THE BAKKE DECISION RAMSEY CLARK

THE NATION

JULY 8-15, 1978 60 cents

..HY WE REJECT OUR 'RESCUERS'

Julius K. Nyerere
President of Tanzania

Michael T. Klare & Eric Prokosch
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GETTING ARMS TO SOUTH AFRICA

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State Laws & Equal Rights
THE BOGUS FEAR OF ERA
Jane O'Reilly

RN: LOOKING OUT FOR ENEMY NUMBER ONE

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LETTERS

the real truth

Philadelphia, Pa.

The editorial on truth in publishing [*The Nation*, June 3] excited my interest considerably. . . . I was sorely disappointed, however, to find that Richard Kluger had chosen (or been asked?) to take on the red herring of establishing absolute truth. It should be instantly clear that the risk (and to some extent the probability) of a fraud being perpetrated on the reading public is inversely related to its dimensions and practical importance. Obvious lies and fantasies are easily seen by the reader as conflicting with common sense, his own experience, or other sources, and books with too many lies die of neglect or ridicule. Small or subtle distortions are either impossible to find or so close to the real truth that legitimate disagreements exist. In other words, there is no truth problem in books themselves that we mortals can hope to solve. To try is to waste time while a real wolf waits on the doorstep. . . .

For publishing to preserve its position of respect, readers must believe that every author with a legitimate statement to make has a publisher who will support him, and that the open marketing of books insures that all sides of important issues reach stores and libraries. Loss of confidence in the publishing industry is not caused by the presentation of the controversial, the bizarre, or even the purely false. The real threat is from orthodoxy disguised as truth, sold by parties with a conflict of interest.

One has only to reflect on how virtually every recent movement for social change had its books, all of which were, by definition, ahead of their times, to see where centralization of ownership and demands for verification of facts will take us. . . . Independent publishing houses are successful because they can be counted on to *publish* honestly, and are economically disciplined if they fail. The *authors* are (properly) taken to task publicly in reviews and the press if they make misstatements. In contrast, publishers who are part of a corporate "family" must be presumed to serve the needs of the entire organization, and are economically independent of the level of their public acceptance. . . .

As I see it, the loss of publisher independence, individually and collectively for the industry, is the real truth issue in publishing today, and the one that I would enjoy seeing discussed in *The Nation*. . . .

Haydon Rochester, Jr.

Washington, D.C.

You are to be commended for the interesting symposium on the question of truth in books.

I am sure that Mr. Kluger is not seeking the kind of accuracy in publishing that the Securities and Exchange Commission enforces on the authors of proxy statements. If in writing a proxy statement, you said that publishing was a risky business, the SEC would probably ask you to supply statistics to prove that or to modify the statement by saying that in your opinion the business is risky. . . .

But when something is presented as provable fact, as is Rorvik's *In His Image: The Cloning of a Man*, I cannot understand how a responsible publisher could proceed with publication without demanding the proof.

The public is being ripped off with fraudulent books by unscrupulous publishers, and in some cases the frauds may result in greater harm than merely the extraction of the price of the book under false pretenses. Serious damage to health can result from fad diet books that can often be shown to be scientifically unsound.

We will never attain perfect accuracy in media or in publishing, but surely we can strive to eliminate fraud and reckless disregard of the truth.

Reed J. Irvine
Chairman of the Board
Accuracy in Media, Inc.

EDITORIALS

The Expendable Zbigniew

The best and perhaps the only way for President Carter to put an end to the babbling incoherence of his administration's foreign policy is to fire Zbigniew Brzezinski. He should then take the next logical step and abolish the position of National Security Adviser.

After the days of Kennedy's Bundy and Johnson's Rostow, when it could be called important but not quite central, the role of National Security Adviser suffered Kissingerization. That is, it became the center of the web of foreign and military policy, eclipsing two large traditional Cabinet departments, State and Defense. The reason for that abnormal and unhealthy growth was not so much the genius of Dr. Kissinger, as we now know, as the ominous secretiveness and determination of Richard Nixon to hold all the strings of power in his own hands. It had to do with Nixon's kind of paranoia, not with the circumstances of the actual world in which this country must operate.

. Now we have Zbigniew Brzezinski imitating, even trying to outdo, Kissinger in ways that are often comical except for the seriousness of the matter. One significant detail distinguishing the Kissinger operation from that of Brzezinski tells a good deal: Kissinger was his own public relations man (and a whiz at PR he was), whereas his successor hired his own flack out of the Washington bureau of *Time* magazine. There could be no clearer signal that the office of National Security Adviser has outgrown its breeches.

Carter himself is in the undignified position of having to defend Brzezinski against the attacks on him by *Tass, Pravda, Izvestia, Red Star* and the other organs of the USSR. "It is certainly not right," he remarked plaintively in Texas, "for the Soviet Union and Cuba to jump on Dr. Brzezinski when I am the one who shapes the policy after getting advice from him and others."

That sounds magnanimous, in the "buck stops here" tradition. But the defense of one of the President's staffers should never have to be made in that pathetic tone. Carter felt called upon to make the statement because he has allowed his confidential adviser to erect himself into an institution with a set of policy options all its own. It should be noted that Mr. Kissinger never allowed himself to be put in the position of representing just one competing tendency within that administration. Whatever went on behind the scenes in the way of scheming or manipulation, Kissinger always managed to represent the policy that the President finally adopted. That made him unchallengeable by the rest of the bureaucracy. The position of his successor is quite the opposite.

It should perhaps be said in defense of Brzezinski as a bureaucratic infighter that his chief's wavering character and shifting positions may have made this quite public battle of the tendencies inevitable. Carter's long fiddling with the question of Cuban involvement in Zaire, his geographical straddling on human rights, his trying to have it both ways on "linkage" are just recent examples of his indistinct line on most issues—neither hard

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nor soft; simply fuzzy. Given Carter's real indecisiveness, it is remarkable that Secretary of State Vance, who in any case lacks Brzezinski's erratic qualities, has been able to pursue as sober and realistic a course as he has toward the main objectives of American foreign policy. It is Vance and not Brzezinski who has minimized the "veering" on foreign policy which the latter has said is unsuitable, if not impossible, for the ship of state of a great power.

Perhaps the kindest thing to say about Brzezinski is that he is in charge of an institution that has expanded too fast while outliving its usefulness. Carter does seem to hanker for a more open Presidency than those of his two immediate predecessors, and he has encouraged some, if not many, flowers of policy to bloom outside the White House grounds. FDR could do that, being a skilled gardener; significantly, he limited those free-spreading plants to the domestic variety and kept the foreign kinds under his thumb. Carter lacks that kind of thumb. It might even be said that he is all thumbs when it comes to our relations with the rest of the world.

Anyway, the President can do without a Brzezinski, and especially without this particular one. He should de-institutionalize the "national security," making it once more the province of the whole government he heads. As for the National Security Adviser himself, why not make him ambassador to Cuba where he could instruct Fidel Castro on the meaning of what he calls "the code of détente"?

BLAIR CLARK

Slap at Labor

The return of the Labor Reform Act of 1978 to its originating committee after the Senate failed to muster sixty votes to end the nineteen-day filibuster against it signals an important change in national policy. It marks the end of four decades when it was the declared policy of this country to encourage collective bargaining and the existence of labor unions.

This defeat was a humiliating one for President Carter and for the leaders of what was once properly called the American labor movement. In the objectively colorless language of *The New York Times* account of the defeat, the bill was "intended to halt efforts by employers to block union organizing through extended litigation, harassment of employees and disregard of the national labor law and orders of the National Labor Relations Board." That such efforts have been spectacularly successful the steadily shrinking proportion of the work force that belongs to labor unions clearly shows.

Over the years employers have figured out hundreds of ways to frustrate the desires of their workers to join unions and to bargain collectively on wages and the conditions of their work. They have raised foot-dragging to an art and, by every kind of legal and illegal device, made it almost impossible to establish a union where none existed before.

Notice to Our Readers

The Nation is publishing on its summer schedule. The next issue will be dated July 22-29.

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The Nation is published weekly (except for first week in January, and bi-weekly in July and August) by Nation Enterprises and copyright 1978 in the U.S.A. by the Nation Associates, Inc., 333 Sixth Avenue, New York, N. Y. 10014. Tel.: 212-242-8400. Second class postage paid at New York, N. Y.

Subscription Price: One year, $21.00; two years, $37.00. Add $1 per year postage for Canada and Mexico; $2 other foreign. Foreign subscriptions: equivalent U.S. funds.

Change of Address: It is essential that subscribers ordering a change of address give four weeks' notice and provide their old as well as their new address. Please give Zip Code numbers for both addresses.

Manuscripts: All work submitted will be read by the editors. The magazine cannot, however, be responsible for the return of unsolicited manuscripts unless they are accompanied by stamped, self-addressed envelopes.

Information to Libraries: The Nation is indexed in Readers' Guide to Periodical Literature, Book Review Digest, Book Review Index and the Public Affairs Information Service.

THE NATION

Volume 227
No. 2

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JUL 3 '78

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President Carter was on the right side of this issue but, as often happens when he is right, his support of the Labor Reform Act was ineffective. His message to Congress backing the Act, correctly noted that "legal rights [to organize and bargain collectively] have limited value if many years are required to enforce them." His Secretary of Labor, Ray Marshall, pinpointed the problem with the existing law when he declared that the current "legal delays always favor the side that can afford better and more expensive lawyers." Tens of thousands of workers in the Southern textile industry can attest to the brutal truth of those observations; they have seen their employers wriggle through every loophole their attorneys could stitch into the law and then laugh at the minuscule fines the snail-paced National Labor Relations Board lays on them, occasionally.

The defeat of the reform act (which Senate Majority Leader Byrd stoutly maintains is not final) came after millions of dollars had been spent by a gaggle of Right to Work organizations. Big Labor also spent a fortune in support of the reform, but it had a special problem—its own image. The opponents of the bill conjured up a picture of Big Labor which, unfortunately, was not altogether untrue. It would have been easier to sell the reform to the Senate, and thus help the unorganized and exploited workers, if labor had first shown some interest in cleaning its own house. That would have meant strengthening the Landrum-Griffin Act's protections of union members against their own leaders and guaranteeing to the members the right to fair elections, a right they have often lacked.

There can be no excuse for the Senate's failure to beat the filibuster and go on to pass the reform legislation. But if there is still a chance to revive the measure it should be accompanied by strong indications that the leadership of American labor means to do something about the slackness and corruption in its own ranks. That sign is missing from the "leadership" of George Meany and his supporters at the head of the AFL-CIO.

Unfunny Coincidence Dept.

June 19 was the twenty-fifth anniversary of the execution of Julius and Ethel Rosenberg for conspiracy to commit espionage.

The New York Times of June 27 reported on its front page the great scoop that "For the last five years, the United States Court of Appeals for the Second Circuit has kept current with its cases."

The unmissing link between these two otherwise unrelated events is one Irving R. Kaufman, now Chief Judge of the appellate court for the Second Circuit, but a quarter century ago the judge who sentenced the Rosenbergs to the electric chair, blaming them for "the Communist aggression in Korea with the resultant casualties exceeding 50,000 and who knows of the millions more of innocent people who may pay the price of your treason."

Increasingly, anniversaries of the Rosenbergs's execution have been occasions for denouncing Judge Kaufman. Originally the complaint was that the death sentence was unprecedented and unwarranted. More recently, Freedom of Information Act documents have led to new and perhaps therefore more disturbing charges:

¶ That Judge Kaufman had held secret and improper ex-parte conversations with prosecution attorneys prior to sentencing.

¶ That he had privately indicated before the jury had rendered a verdict that he would impose a death sentence upon conviction.

¶ That he secretly was in communication with the FBI, seeking to expedite the time of execution and immunize his judicial conduct from appellate review.

¶ That over the years Judge Kaufman has sought to use government agencies to suppress and deter critical press comments about his role in the case.

According to the *Times*, the idea for a reception honoring Judge Kaufman came from Harold Tyler, a former federal trial judge and former Deputy Attorney General, who got together with a few other lawyers who had served on committees with Judge Kaufman. They in turn decided to invite deans of law schools and heads of bar associations to the reception.

The last time Judge Kaufman's image appeared to be slipping, the American Bar Association appointed a committee to counter what they considered to be unwarranted criticism of him. It was chaired by another former judge, that ultimate legal establishmentarian, Simon Rifkind, whose firm, like that of Judge Tyler, does much business with Judge Kaufman's court.

We do not here pretend to pass judgment on Judge Kaufman's judgment or his conduct. In a future issue, however, we do intend to explore the propriety of his image-building activities in an article by Frank Donner, to be called "Judge Kaufman Calls in His IOUs."

It is nice to learn that Judge Kaufman tolerates no backlogs in his court (although we would like to know when before in the annals of jurisprudence another judge was honored for the quantity rather than the quality of his performance. And it is instructive to learn that not only the *Times* but *Time* magazine and the New York *Daily News* consider the event important news. All in all, it is too much to believe that the celebration of this achievement at this time is strictly coincidental.

Publication of Records

One voice has been missing from the oratorical melee surrounding the charge and countercharge over just what role Cuban troops were or weren't playing in Africa—that of the Africans themselves. That was so, at least, until Julius K. Nyerere, the extremely influential President of Tanzania, delivered a warning to the West on the occasion of the French Government's proposal, a few weeks ago, for a Pan-African security force.

But only fragments of Nyerere's message have found their way into a press too busy reporting the news of the latest casino opening in Atlantic City to have room for more than a few paragraphs on the future of a continent. Thus it seemed to us important that Nyerere's message get the widest possible hearing. With his permission, therefore, we have edited down his original

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remarks and reprint them on p. 38.

Another perspective on our disturbing role in Africa, also available in the public record for those who know where to look, is provided by Michael T. Klare and Eric Prokosch, who have gathered startling evidence of the ways in which the U.S. Government has gotten around the U.N. ban on arms delivery to South Africa (p. 49).

We live, it has been suggested, with an information surplus. So much is reported that we lose track, with the result that some of our most important stories are "hidden" in public documents and actual experiences.

Even as Klare and Prokosch have documented via publicly available sources our covert support for apartheid, Jane O'Reilly, mining quite another vein of publicly available data (p. 45) has found in the experience of states which have ERA laws of their own, new evidence to confute that Amendment's most vocal opponents. Many years ago, I.F. Stone demonstrated that the way to find the story behind the news is to look at the record —it frequently turned out to be the *Congressional Record*.

The Bakke Decision

Ramsey Clark

Language includes some noises which, first heard, Cleave us between belief and disbelief. The word America is such a word. —William Meredith

Equality was a founding principle of our nation. We declared "all men are created equal." Of course we did not mean Nat Turner, Abigail Adams, or the majority of the rest of the population. But we created a system of government that permitted a struggle for the principle that gained a constitutional amendment guaranteeing equal protection of the laws. And twenty-four years ago, the United States Supreme Court began a serious dialogue on the subject of equality in the case of *Brown* v. *Board of Education.*

Cut off from the historic discussion of the subject by the legal discipline, the Supreme Court could not deal in sophisticated terms with the painful issue of inequality —"the universal and chief cause of the revolutionary impulse," Aristotle called it. It could state the obvious: "Segregated educational facilities are inherently unequal."

On June 28, in the case of the *Regents of the University of California* v. *Bakke,* the Court showed that at least five of its members were unwilling or unable to address the obvious, enormous, pervasive, inescapable presence of inequality caused by racial prejudice and too often enforced and reinforced by law and government.

Five Justices—Powell, Burger, Stewart, Rehnquist and Stevens—say the law, either the 14th Amendment, or Title VI of the Civil Rights Act of 1964, prohibits the University of California from initiating a special admissions programs for minorities, setting aside sixteen of 100 places in the Medical School for poor blacks, Chicanos, Asian Americans and Native Americans.

Justice Powell states the 14th Amendment argument:

> The fatal flaw in petitioner's preferential program is its disregard of individual rights as guaranteed by the Fourteenth Amendment. *Shelley* v. *Kraemer,* 334 U.S. 1, 22 (1948). Such rights are not absolute. But when a State's distribution of benefits or imposition of burdens hinges on the color of a person's skin or ancestry, an individual is entitled to a demonstration that the challenged classification is necessary to promote a substantial state interest. Petitioner has failed to carry this burden.

Our whole history screams the answer. A Civil War was fought to obtain the human rights guaranteed by the 14th Amendment. Justice Marshall observed at the beginning of his separate dissent, "Three hundred and fifty years ago, the Negro was dragged to this country in chains to be sold into slavery." Marshall points out that "during most of the past 200 years, the Constitution as interpreted by this Court did not prohibit the most ingenious and pervasive forms of discrimination against the Negro. Now, when a state acts to remedy the effects of that legacy of discrimination, I cannot believe that the same Constitution stands as a barrier."

Justice Blackmun, in a powerful separate dissent, wrote "We cannot—we dare not—let the equal protection clause perpetrate racial supremacy."

The Title VI argument is stated simply by Justice Stevens for himself, Burger, Stewart and Rehnquist. Quoting briefly from Section 601 of the Civil Rights Act, he concludes: "The plain language of the statute therefore requires affirmation of the judgment below."

Both arguments expose a fear of equality and lost sense of history. The Powell argument twists the torment that led to the 14th Amendment to prevent effective action to overcome two centuries of racial discrimination. The Stevens argument twists the ardor of the civil rights movement, the noble quest for equality, to prevent the achievement of equality.

The statutory interpretation, with four of the five votes necessary to affirm, is almost cavalier. The Justices concede, "No doubt, when this legislation was being debated, Congress was not directly concerned with the legality of 'reverse discrimination' or 'affirmative action' programs." But the Congress knew of the need for government action and intended to confer power. However the language might read out of context, the Civil Rights Act was intended to confer power to enforce 14th Amendment rights. This generation knows that. The manner in which the four Justices brush over the standing of Bakke to raise Title VI, the subject for separate opinion by Justice White, implies a desire simply to avoid the constitutional issue.

Of course, the decision leaves open the possibility of statutory relief, assuming that Congress might authorize affirmative action by statute. But there must be a suspicion that if it did, Stevens, Burger, Stewart and Rehn-

Ramsey Clark was Attorney General of the United States from 1966 to 1968.

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quist would then join the more forthright Powell and rely on the 14th Amendment to prevent corrective action. I take no comfort from Justice Powell's recognition that race may be a factor, since to achieve equality it must be *the* factor when necessary. The Regents' plan was honest and direct in method. It avoided the delay, deception and hurt of mixed subjective tests which frustrated progress in the South for decades.

The effect of the Bakke decision psychologically, legally, socially and morally is devastating. As recently as 1970, 75 percent of all black doctors in the United States had graduated from two medical schools, Howard and Meharry. Today, more than a quarter of a century after the Supreme Court admitted blacks to white law schools in *McLaurin* v. *Oklahoma* and *Sweat* v. *Painter*, less than 2 percent of all law and medical students are black. Black and other minorities suffer poorest health and greatest legal disadvantages, yet they are vastly underrepresented in the medical and legal professions.

The Court in *Brown II* established the "deliberate speed" standard for school desegregation in 1955. It was fifteen years before it was abandoned as too slow, indeed a shield to those who crushed the spirit of black schoolchildren. *Bakke* will cause a far slower rate of minority admissions to professional schools than *Brown II* caused for desegregation of public schools.

Minorities qualifying under present LSAT, MCAT and related tests will be a minor fraction of their proportion of the population as long as those tests prevail. The Court accepts those tests as if they were embedded in the Constitution. The tests are no measure of how effectively the person taking them will serve justice or the public health. They reflect elitist, class, materialistic values.

We ration health and justice in America. The poor minorities feel it most. They die young, without rights. Medical schools and law schools should be opened up to a far greater population. Surely half our college graduates are capable of practicing law and medicine. The Regents of the University of California were far too modest in their special admissions program. Adopted throughout the country, it would be generations before law and medicine would reflect equality.

But the Supreme Court has said the law renders us powerless to achieve equality now. Incredibly, it says two major historic laws intended to achieve equality—one a constitutional amendment, the other a great civil rights act—bar the accomplishment of the very thing they sought.

This cannot be. *Bakke* cannot stand. *Bakke* will not stand. The question is how long will America be delayed in its quest for equality.

Or will disbelief overcome?

WESTERN ARROGANCE

WHY WE REJECT OUR 'RESCUERS'

JULIUS K. NYERERE

To the uninformed reader, the recent events in Zaire, the former Belgian Congo, must be almost inexplicable. Two months ago, for the second time in little more than a year, Zaire's Shaba region (once known as Katanga Province) was invaded by a band of several thousand Katangese rebels who now live in exile in neighboring Angola. Once again the invaders were quickly frightened away, not so much by the notoriously undisciplined army of the corrupt President Mobutu Sese Seko as by an emergency military airlift organized by France with the help of Belgium and the United States. Russia and Cuba are strong backers of the Angolan Government, but whether they were directly involved in training and arming the Katangese guerrillas for their latest military venture, as the Carter administration has alleged, is by no means clear.

After rescuing some 2,200 European civilians from Shaba and withdrawing its own troops, the French Government proposed that a Western-backed Pan-African security force be created and held in readiness to put down future invasions and insurgencies. Several African leaders objected to this plan as an attempt to reassert a Western military presence in Africa. Foremost among these was Julius K. Nyerere, President of Tanzania and one of Africa's most influential leaders.

In the following article, adapted from a somewhat longer statement he wrote at the time of the French initiative, Nyerere delivers a stern lecture to the West, warning the United States and its allies against what he calls "the habit of regarding Africa as an appendage of Western Europe."

The State House, Dar es Salaam

In Angola the MPLA did almost all the fighting against the Portuguese colonialists. As independence approached after the revolution in Portugal, various Western countries, led by the United States, decided to try to prevent the establishment of an MPLA government in that country. They conspired with South Africa, and gave undercover finance and arms to rival nationalist movements [principally FNLA and UNITA] which had previously been almost inactive. Faced with this conspiracy and the consequent attacks on Angola from South Africa and across the Zaire border, the MPLA government sought help from those who had given support to the Movement during the independence struggle. Cuba and the Soviet Union responded to those requests. With their help the Angolan Government overcame the immediate military threat to its existence, pushed South African troops back across the border into Namibia, and pushed the FNLA troops back to where they had come from—Zaire.

Cuban troops are still in Angola, and the Soviet Union continues to give military assistance. The Angolan Government is forced to ask that this assistance be continued

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because the threat to the integrity of Angola still exists. In May South African troops entered southern Angola again, and inflicted heavy casualties upon Namibian refugees. UNITA continues to get outside support. Repeated attacks have been made across the Angolan/Zaire border by FNLA troops, who are financed and supplied with weapons by external forces and who operate with the active or tacit support of the Zaire Government.

The history of the ex-Katangese gendarmes predates the independence of Angola. It was not actions of the MPLA which took them to Angola; nor were they trained by the MPLA. They are a living reminder to Africa of the determined and shameless attempt by the West to dismember the former Congo (Leopoldville) in their own economic interests. When that attempt was defeated, some of these gendarmes moved into Angola and remained there as refugees. Now things have changed: the West has a different view of Zaire and is using it to disestablish Angola. It would not be surprising if Angola, on its part, felt forced to withdraw the restraints it had been imposing on those Zairean refugees in northern Angola.

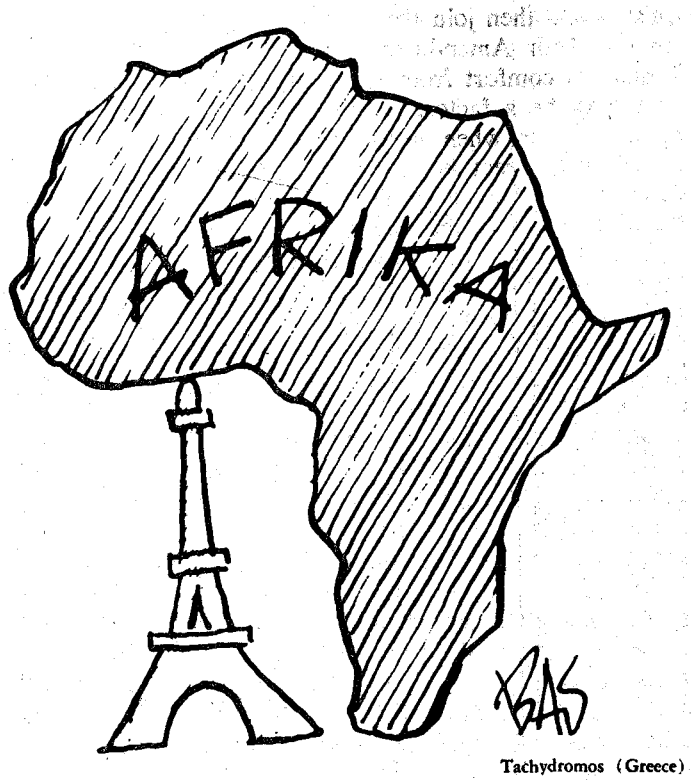
Whether such a policy of retaliation is correct or wise is a matter of judgment; it is nevertheless understandable. But one thing is clear. There is no evidence of Cuban or Soviet involvement in this retaliation. The U.S. State Department was at one time reported to have said as much; the Cubans have persistently and convincingly repudiated such allegations.

Cuban and Soviet forces are also in Ethiopia, at the request of the Ethiopian Government. The reasons for their presence are well known. They have helped the Ethiopians defend their country against external aggression. They have not—and neither has the Ethiopian Government—engaged in any fighting outside Ethiopia's borders. And there is some evidence to suggest that the Cuban Government at any rate makes a distinction between the fighting in the Ogaden and the fighting in Eritrea.

Apart from those two countries, where else in Africa are there Soviet or Cuban forces? There are a few Cuban and Soviet nationals, and a few Chinese nationals, helping to train the freedom fighters of southern Africa in the use of weapons Africa gets from Communist countries for the liberation struggle in Rhodesia and Namibia. Apart from vague generalities, and rumors based on the jackets people wear, there is no serious suggestion that these forces are operating or stationed anywhere else in Africa.

It is, then, on the basis of Soviet and Cuban forces in two African countries that there is a great furor in the West about a so-called Soviet penetration of Africa. And those forces are in those two countries at the request of the legitimate governments of the countries concerned. Yet Western countries are objecting, and are holding meetings ostensibly about how to defend the freedom of Africa against what they call Soviet penetration.

Let me be quite clear: we do not want anyone from outside Africa to govern Africa. We regret, even while



Tachydromos (Greece)

we recognize, the occasional necessity for an African government to ask for military assistance from a non-African country when it is faced with an external threat to its national integrity. We know that a response to such a request by any of the big powers is determined by what that big power sees as its own interests. We have been forced to recognize that most of the countries acknowledged as world powers do not find it beneath their dignity to exacerbate existing and genuine African problems and conflicts when they believe they can benefit by doing so. We in Tanzania believe that African countries, separately and through the OAU, need to guard against such actions. But we need to guard Africa against being used by *any* other nation or group of nations. The danger to Africa does not come just from nations in the Eastern bloc. The West still considers Africa to be within its sphere of influence and acts accordingly. Current developments show that the greater immediate danger to Africa's freedom comes from nations in that Western bloc.

It might be a good thing if the OAU were sufficiently united to establish an African high command, and a Pan-African security force. If, having done so, the OAU then decided to ask for external support for this force, no one could legitimately object. But the OAU has made no such decision. It is highly unlikely that the OAU meeting in Khartoum this month will be able to agree unanimously on the creation of such a military force, or—if it did—that it would be able to agree unanimously on which countries to ask for support if that were needed.

Yet until Africa, through the OAU, has made such a decision, there can be no Pan-African security force that will uphold the freedom of Africa. It is the height of arrogance for anyone else to talk of establishing a

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Pan-African force to defend Africa. It is quite obvious, moreover, that those who have put forward this idea, and those who seek to initiate such a force, are not interested in the freedom of Africa. They are interested in the domination of Africa.

It was from Paris that this talk of a Pan-African security force emanated. It was in Paris, and later in Brussels, that there were meetings to discuss this and related matters pertaining to the "freedom" of Africa. There is only one reason why the idea of Europe setting up, or initiating, a Pan-African security force—or an African peace force—does not meet with immediate and worldwide amazement and consternation. It is the continuing assumption that Africa is, and must always remain, part of the West European sphere of influence. This assumption is hardly being questioned—even some African states take it for granted.

The French have troops in many countries of Africa. In Chad, in Western Sahara, in Mauritania and most recently in Zaire, French forces have engaged in combat against Africans. But there are no meetings in Washington, or even in Moscow, to discuss the threat to Africa's freedom by the French penetration of Africa. Nor should there be. Not even Africans discuss the question. The reason is very simple: it is the continued assumption that it is natural for French troops, or Belgian troops, or British troops, to be in Africa, but it is a threat for troops from any nonmember of the Western bloc to be in Africa. A threat to whom? To African freedom, or to the domination of Africa by ex-colonial powers and their allies, operated now through more subtle means and with the help of an African fifth column? The answers to those questions are obvious. There have been continued incursions by South Africa and Rhodesia into Angola, Botswana, Zambia and Mozambique. The West has not shown much concern about these; nor have their newfound surrogates in Africa.

When the USSR sent its troops into Czechoslovakia in 1968 Tanzania was one of the many countries that protested. Is it expected that we should not protest when Western powers send their troops into an African country? These "rescue operations" almost always seem to result in the death of a lot of innocent people and the rescue of a government. But that is apparently not regarded in Europe as interference in African affairs. Instead, the same country that initiated the military expedition then calls a meeting to discuss, it says, the freedom of Africa!

But the costs [of such attempts at domination] may be higher than the participants anticipate. Tanzania is not the only nationalist country in Africa. There are nationalists everywhere. Sooner or later, and for as long as necessary, Africa will fight against neocolonialism as it has fought against colonialism. And eventually it will win. Western bloc countries that try to resist the struggle against neocolonialism need to recognize that it will not only be African countries that will suffer in the process.

Nor will the whole of Africa acquiesce in being used in the East-West confrontation. We are weak, but weak countries have before now caused a great deal of embarrassment and some difficulty for the big powers. If the West wants to prove, either to the Russians or to its own people, that it is not soft on communism, it should direct its attention to where the Soviet tanks are, and where the Soviet front line is. It should not invent an excuse to bring the East-West conflict into Africa. If the West should succeed in doing that, Africa's freedom will suffer; but this may also turn out to be very expensive for those who would use Africa as another site for East-West confrontation.

The African people have the same desire that all peoples feel—to be free and to use their freedom for their own benefit. They have the same determination to work and to struggle to that end. They know that no one else is interested in their freedom. This talk in Europe about a Pan-African security force is an insult to Africa, and a derogation of African freedom. It makes little difference if the European initiators of this plan find Africans to do their fighting for them. There were Africans who fought with the colonial invaders; there were Africans who assisted in the enslavement of fellow Africans; and there were Africans who fought against the freedom movements.

We do not deny the principle that any African state has the right to ask for assistance, military or economic, from the country of its choice. On the contrary, we assert that right. Angola, Ethiopia, Chad, Zaire and all of us have that right. It is not for the West to object when Angola asks assistance from the USSR. It is not for the East to object when Djibouti asks for assistance from France.

Nor do we deny that all African governments can be threatened by a few malcontents, possibly financed by external elements, even while they are fully supported by the mass of their people. In such circumstances a government is surely justified in seeking assistance to overcome a temporary crisis, and the donor country should not be accused of neocolonialism for responding. Other governments in Africa have inherited chaotic situations and need somewhat longer-term support while they genuinely try to bring peace to their people and to develop their country in the interests of those people.

But we must reject the principle that external powers have the right to maintain in power African governments that are universally recognized to be corrupt, or incompetent, or a bunch of murderers, when their peoples try to make a change. Africa cannot have its present governments frozen into position for all time by neocolonialism, or because there are cold-war or ideological conflicts between the big powers. The peoples of an individual African country have as much right to change their corrupt government in the last half of the 20th century as, in the past, the British, French and Russian peoples had to overthrow their own rotten regimes. Are African peoples to be denied that same right?

Under which category any particular African government crisis falls may be a matter of genuine difference of opinion. But when the same government constantly needs to make a call for external assistance to maintain its control over the country, most people begin to question whether it really has the backing of its citizens. Those

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foreign powers that are genuinely interested in the freedom of Africa, and not in dominating it, will then decide that the time has come to call a halt. And if they do not do so, they must not be surprised if the rest of Africa interprets their intervention as an expression of neocolonialist domination, and as being intended to maintain their control over that part of Africa.

Western Europe and the United States are interested in having continued access to the minerals of Africa to sustain their own economies. But that access is not insured by corruption or support for corruption. It is endangered by such support. And that access is not dependent upon the ideology espoused by particular African governments. The present realities of African politics and economics force all African countries to sell their minerals where they can get the best price for them, and where they can get in exchange the goods they themselves need.

We reject the right of West European countries to dominate Africa, just as we would reject attempts by Eastern bloc countries to dominate Africa. In particular, we resent the arrogance and the contempt of those who purport to set up a Pan-African security force, or an African peace force, on behalf of Africa. Either Africa will do that for itself, or there will be no Pan-African force defending the freedom of Africa.

The purpose of Africa's independence struggles was the freedom of Africa and of Africans. Our independent governments must not become the instruments through which foreign domination is maintained in a new form. Rather they must be the instruments through which the peoples of Africa develop themselves and their countries, and enlarge their freedom until it means a life of dignity for every individual African. We have a long way to go. But we will resist every attempt to circumscribe our development. We will resist any attempt to reassert and strengthen the domination of Africa under cover of a pretense to defend Africa. □

THE PRESS vs. THE BENCH

CLOSURE IS WORSE THAN A GAG

DAVID RUDENSTINE

Courthouse reporters around the country are discussing the current trend among judges who, determined to limit prejudicial pretrial publicity, have taken to banning them from hearings in advance of criminal trial. The New York City judge who presided over the "Son of Sam" case closed the second round of competency hearings to the press on the ground that further publicity would endanger David Berkowitz's right to a fair trial. In another sensational murder case, where both the victim and the defendant were Yale University students, the judge barred the press from a hearing at which the admissibility of an alleged confession was decided. In a third case, a Gannett newspaper reporter was locked out of a rural New York courtroom while the judge considered the admissibility of a confession in a case involving the murder of a local policeman.

Closure of pretrial hearings has been ruled permissible by some lower courts. If the Supreme Court—which agreed to rule on an appeal pressed by the Gannett chain—decides to uphold these lower court rulings, First Amendment values will have been dealt a blow. The press claims that closure of pretrial hearings violates historic rights grounded in the First Amendment. Judges ordering closure respond that it does not interfere with the press's right to publish what it knows; it only prevents reporters from learning what they would like to know. As will be seen in a moment, the difference between the right to publish and the right of access in this context is not as clear as some courts suggest.

The fair trial/free press debate opposes two competing interests deeply rooted in the U.S. Constitution. The Sixth Amendment guarantees a defendant charged with a crime to trial by an impartial jury; the First Amendment guarantees a free press. Justice Hugo Black once referred to these twin rights as "two of the most cherished policies of our civilization."

When a case attracts lively public interest, hence intense press attention, it is sometimes difficult to impanel an impartial jury. As a result, numerous techniques harmless to First Amendment principles have been developed to curtail the adverse effects of pretrial publicity. In *Nebraska Press Association* v. *Stuart*, the Court referred with approval to changing the trial location; adjourning the trial until possible pretrial prejudicial publicity faded; carefully questioning prospective jurors at the *voir dire* stage; impressing on jurors their duty to decide a case only on evidence presented at trial; controlling what the attorneys, parties and court officers say and how they behave before and during trial; sequestering the jury if necessary, and giving stern instructions at the charging stage that the case must be decided only on the evidence presented in court. Nevertheless, some technique threatening to the First Amendment interests occasionally becomes popular. This happened a few years ago and resulted in a landmark decision by the Supreme Court with a direct bearing on the issues raised by the *Gannett* case.

Nebraska grew out of a crime involving the murdering of six members of one family in a small Nebraska town. Press, TV and radio coverage was immediate, massive and national. A few days after the alleged as-

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sailant was arrested, a local Nebraska court entered a gag order on the information that the media could release. The order, appealed through the Nebraska courts, eventually reached the Supreme Court which said that the gag order was a "prior restraint"—the "most serious and the least tolerable infringement on First Amendment rights." It invalidated the gag order because it found that a fair trial could be assured by other techniques harmless to First Amendment interests and because it was "far from clear" that the prior restraint would have protected the defendant's rights. The Court did not say that gag orders would never be permissible to assure a fair trial; it did say that it had never reviewed a case in which a gag order was essential to a fair trial.

One technique not approved or discussed in *Nebraska* was the closing of pretrial proceedings to the public and press. However, the Court referred to this procedure in a footnote and indicated that it was not passing on its appropriateness since the *Nebraska* case did not raise it. The *Gannett* case results from that footnote.

Pretrial hearings are critical in criminal cases. At those hearings, for example, courts decide whether a confession by an alleged killer was voluntary; whether the wiretap of a political figure comported with constitutional safeguards; whether a mass murderer is competent to stand trial, or whether a search leading to physical evidence of a crime was consistent with constitutional protections.

The outcome of these hearings may determine whether a defendant goes to trial, cops a plea, or the case is dismissed. Moreover, because about 90 percent of criminal cases are disposed of prior to trial, preliminary hearings are often the only judicial proceedings in a case other than sentencing. Closing preliminary hearings often means putting the crucial aspect of a criminal case beyond the reach of the press and public.

Although the *Nebraska* decision is relevant to the closure debate in *Gannett*, the circumstances of the two cases are sufficiently different to cause concern as to how the latter will be resolved. A gag order bars the press from publishing things it knows; a closure order bars the press from knowing things to publish. The First Amendment guarantees that the press may publish what it knows, but it doesn't necessarily guarantee the press access to that information. Thus, the closing of pretrial hearings may not be directly barred by the First Amendment. It doesn't follow, however, that closure is permissible, for the Sixth Amendment guarantees not only an impartial jury but a public trial. It is difficult to square the concept of closure with that principle and the First Amendment values it implies. That is the issue which *Gannett* brings before the Supreme Court.

New York's highest court approved closure in an opinion that departs substantially from previous practice. The new rule provides that preliminary hearings should be "presumptively" closed to the press and public whenever press commentary threatens a defendant's right to trial by an impartial jury. If the hearing is to remain open, the burden is on the press to show that a "genuine public interest" outweighs the "risk of premature disclosures." The court did not state that closure should be employed only if other techniques less damaging to First Amendment values were inadequate or that the margin of benefit that closure might produce must be evaluated before it is authorized. It held in effect that closure was presumptively correct in cases of public interest. This is a sweeping rule and it will be a rare day when the press is able to overcome the presumption.

The Supreme Court may follow its own footsteps and decide *Gannett* as it did *Nebraska*, but that outcome is hardly assured. Neither the First Amendment rights asserted in *Nebraska* nor the public trial right with its implied First Amendment values that are at stake in *Gannett* are absolute—no right is. But core First Amendment rights are traditionally more nearly absolute than any others and attempts to impinge upon them are closely scrutinized. The public trial claim asserted in *Gannett* is surely significant, but its strength is not as thoroughly tested nor its parameters as clearly defined as the First Amendment rights raised in *Nebraska*. Moreover, it is generally accepted that some narrow circumstances, such as the protection of an undercover agent's identity or national security, may justify closing a limited portion of a trial. Hence, while the outcome in *Nebraska* is pertinent to the closure issue, it is not controlling.

Before outlining the reasons closure should be strictly limited, two weak but distracting responses to the objection that closure collides with the public trial requirement deserve mention. First, it might be argued that the right to a public trial belongs to a defendant; if he waives it, the trial or pretrial hearings should be closed. But that is inconsistent with the time-honored notion that the public's valid interest in judicial proceedings is sufficient to compel them to be open, even over a defendant's objection. As the Supreme Court stated: "A trial is a public event. What transpires in the courtroom is public property."

Second, it might be contended that only trials are guaranteed to be public and that hearings before trial may be closed. But that claim makes an arbitrary distinction between a trial and pretrial hearings, whereas the reasons compelling open trials apply with equal force to the earlier proceedings.

Closure is actually worse than a gag order. The latter at least seeks to limit only information prejudicial to a defendant's fair-trial rights; closure deprives the press and public of *all* information revealed at a preliminary hearing, regardless of its effect on a defendant. Closure casts a much broader shadow.

Press coverage of pretrial hearings is necessary to assure the integrity of those proceedings. It is the major way the public learns of police conduct. It is essential if the public is to stay abreast of developments in important cases and be informed of prosecutorial, defense counsel and judicial conduct (or misconduct). The knowledge that judicial proceedings will be reported is often credited with deterring witnesses from perjury and occasionally with bringing forward key witnesses previously unknown to the parties. News about pretrial discussions may help make an eventual plea bargain more intelligible to the public. Moreover, closure tends

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to kindle the public distrust that greets any star chamber proceeding.

Public and press access to judicial proceedings helps assure judicial accountability. What Justice Brennan has said of gag orders applies here: "Indeed, the potential for arbitrary and excessive judicial utilization of any such power would be exacerbated by the fact that judges and committing magistrates might in some cases be determining the propriety of publishing information that reflects on their competence, integrity, or general performance on the bench."

Unless closure is restricted by the tightest rules, the practice will grow. Defense counsel in cases drawing press attention will routinely ask that the preliminary hearing be closed. Wishing to protect a possible conviction from reversal, prosecutors will probably acquiesce. Judges, also worried about reversals, will be inclined to approve. The result could well be that the press and public were routinely barred from all such hearings. Developments since New York's highest court decided *Gannett* lend substance to this concern.

More speculatively, the ultimate containment problem might be to prevent closure from being applied to trials. If widely used at the preliminary stage, courts may eventually seek to circumvent the strong principles of *Nebraska* by using closure at the trial stage. That result seems unthinkable in light of the forceful opinion in *Nebraska*, but not every court in the land grants the First Amendment the respect the Supreme Court showed in *Nebraska*.

As for the benefits promised by closure, they are indeed uncertain. Unless closure can assure a fair trial with substantial certainty, it is too drastic a technique to be seriously considered. And that benefit seems far from clear. Cases drawing press attention are usually subject to considerable publicity before any hearing is held. More curiously, perhaps, the effectiveness of closure is undercut because the press, though barred, may still report the fact of, and the reason for, the hearing. An example best makes the point. A young man is accused of hammer-bludgeoning to death a young woman while she slept in her parents' home in a New York suburb. The judge closes a preliminary hearing held to determine the admissibility of some apparently damaging statements. *The New York Times*, barred from the courtroom, reports: "At issue in the current hearings is whether statements alleged to have been made by [the defendant], statements that the judge said 'could be characterized as confessions,' will be allowed when the trial starts next week. There are reportedly four separate instances in which the defendant is alleged to have confessed to the killing. . . ." The contribution of closure to fair trial interests is the difference between a report like that and one that would have included the statements themselves. That hardly seems sufficient to justify a remedy as drastic as closure.

Of course, even the techniques mentioned earlier that are harmless to First Amendment interests raise problems of their own. An adjournment to allow the impact of pretrial publicity to fade might conflict with a defendant's right to a speedy trial. A change in trial location might work a hardship on the defendant and defendant's family, counsel and witnesses. But these consequences are less certain and less weighty than the damage to First Amendment interests that will assuredly flow from a closure order.

If the Supreme Court approves the closing of pretrial hearings by standards less demanding than it requires for gag orders, it will be departing substantially from the importance it placed on First Amendment values in *Nebraska*. If it treats closure as it treated gag orders it will remain loyal to the view that there is no insoluble conflict between the values of a fair trial and a free press. The Court has found this view persuasive in the past and there is nothing new to change its mind. But the Court left the issue open and now has agreed to decide it. Until it does there is an edge of unsettling uncertainty, for the stakes are high. □

'FROM PARADISE INTO HELL'

CYPRUS, THE BATTERED PAWN

CHRISTOPHER HITCHENS

When Carter won election, the Cypriots proclaimed a national holiday. They were exulting chiefly at the departure of Henry Kissinger, who had conspired against them, first with the Greek colonels and then, as they saw it, with the Turkish invaders. When I last saw Archbishop Makarios, shortly before his death last fall, he had a large Jimmy Carter personal medallion in pride of place on his desk. Now, in Nicosia and in Athens, the anti-American forces can once again say "I told you so." Carter's decision to press for the end of the arms embargo, and administration support for the Turkish settlement proposals, have canceled the painful revival of trust on the Greek-speaking side of the argument.

Meanwhile, flushed with their temerity in refusing earlier to comply with discouraging advice from Washington, the Turks are now angry with Carter for not acting more decisively in their favor. Kissinger's intervention in the eastern Mediterranean in 1974 brought off the amazing triple feat of alienating Athens, Ankara and Nicosia all at the same time. The aftermath of that intervention displays the same features. And since it was Cyprus that paid the price for the overdue collapse of the Greek junta, Cyprus that paid for the apparent vindi-

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cation of Turkish claims, Cyprus that still pays for Greek-Turkish rivalry over oil and minerals in the Aegean Sea, Cyprus seems the best place to start.

Not long ago, a visting American Congressman was turned back by Turkish soldiers when he attempted to cross the "Attila line" (the name given by the Turks to their military border in Cyprus in a stunning feat of bad public relations). What angered the Congressman was not so much the peremptory treatment as the fact that the weapons being brandished at him were American.

Oliphant, The Washington Star

Cypriots hear and retell this story with no little glee and *Schadenfreude*. They think that, ever since Dean Acheson made his famous proposal that the bulk of the island be unified with Greece, the Turks being given a canton and military base in the north to keep them quiet, America has wanted Cyprus partitioned and attached to the countries of the mainland. They know (we all know now) that the CIA overruled many within the State Department who warned against supporting the moribund Athens junta in 1974 when it attempted to annex the island. They also know that, after the failure of that scheme, the United States changed sides at the Vienna Conference and ceased to oppose a Turkish counterstroke. (The story is best told by Lawrence Stern in *The Wrong Horse*, Times Books.) That "peace-keeping" operation, as it was called by the Turks, killed thousands of Cypriots, made one-third of them into refugees, and took away the most fertile and prosperous 40 percent of their country. The persistence of this *fait accompli* is the key to what is known as the "Southern Flank" problem of NATO.

A version of the Acheson plan has indeed been consummated: Cyprus is partitioned. But whereas Makarios, backed by a huge majority of Cypriots, refused to surrender the island's sovereignty, the Turks today are in de facto possession of the bulk of it. This mutated version of the Acheson solution is causing no end of trouble for a simple reason: there are many more Greeks than Turks on Cyprus (the proportions are roughly 82 to 18 percent). And the Republic of Cyprus, instead of being a pliant appendage of Athens, has an independent government still recognized by the international community.

The Turkish case is based solely on the security of Turkish Cypriot citizens (although there are Turkish generals and politicians who say that the entire island belongs to Turkey by right from Ottoman days). That security, they say with some justification, was a low priority in Cyprus after independence in 1960. Yet a stay in their military protectorate in the North reinforces the impression that the grievances of Turkish Cypriots have been used as a cover for an entirely different policy. A visit to the "Museum of Barbarism," which commemorates the vile things done by Greek Fascists in the 1960s, is obligatory and salutary. But not all murdered Turks are remembered. There is no allusion to the killing of Hikmet and Gurkan, the editors of a magazine that advocated intercommunal solidarity, who were slain when their paper threatened to expose Turkish extremist violence. Nor is there any mention of Dervish Kavazoglu, a leftist union leader shot down for advocating bi-communal trade unions. These things took place under the same Turkish Cypriot leadership as now prevails. At least their Greek equivalents are in jail.

Then, as one travels around the North (it was my fifth visit since partition), there are even more depressing signs. The huge army presence prevents free movement off the main roads, but it cannot silence the Turkish Cypriot press. For some time, largely unnoticed by the outside world, elements of this press have been protesting against the settlement of colonists from mainland Turkey. Dr. Fazil Kuchuk, a former Vice President of the island and one of the leaders of the Turkish Cypriot community, wrote in his paper on May 25 that the island was being turned "from paradise into hell" by this process, which may involve as many as 40,000 settlers in a population of 120,000 (who also have the 15,000-man Turkish garrison to support). Other opposition figures, like Dr. Berberoglu of the Republican Turkish Party, have told me that the distribution of expropriated Greek property is being handled in a corrupt and authoritarian manner, to benefit the imported supporters of the government and stifle Cypriot self-expression. This is to say nothing of the many Turkish Cypriots who have emigrated, and of the many more who have moved to Turkey rather than face the intimidation of the "Gray Wolf" Fascist youth movement, based on a mainland party which engages in armed struggle on the Right and was until recently a member of the coalition government. And there are the thousands of Greeks who did not flee their villages after the invasion, but who have been gradually bullied into crossing the border with whatever they can carry. Lawrence Durrell's old village of Bellapaix, once predominantly Greek, has now been emptied by a "salami tactic" of intimidation and eviction. Turkish officers use it as a weekend retreat.

One stresses these points because it is often said, or implied, that the Cyprus problem is one of incompatible communities, and that the islanders have in effect brought the present disaster on themselves. This view, which has the merit of blaming the victims of the aggression they suffer ignores the way in which British, Turkish and Greek Governments have used factionalism to suit their purposes. By any standard, intercommunal relations in Cyprus were actually improving in the early 1970s. The

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Greek *Putsch* and the Turkish invasion shattered the picture, but even after both those two traumas one could see Turkish villagers crying and scooping up handfuls of earth as they were loaded onto trucks and taken to the North, leaving the keys of their houses with their Greek neighbors. Cypriots of both nationalities have learned the hard way that the differences between them are as nothing compared to their common differences with their cynical "motherland."

Bulent Ecevit, who was Prime Minister of Turkey at the time of the 1974 invasion and is now back in office after a period of isolation, finds himself in an almost classic social-democratic dilemma. The Islamic and military right-wing forces in Turkey do not like him at all, but he temporarily drew some of their teeth by moving troops into Cyprus. He is now the only man who can begin to make concessions, but if he does so he risks even more rightist violence and noncooperation than he has to bear already. He has appointed Prof. Mumtaz Soysal, a well-known radical and a political prisoner under the previous regime, as his personal envoy in the Cyprus negotiations. But even that has been too much for some of his coalition partners and not enough for the Greeks. In a sentence, Turkish proposals for the withdrawal from Greek territory offer no real concessions except on terms that are wholly unacceptable. Thus, the empty city of Famagusta will be opened to its previous thousands of inhabitants only if the city is left under Turkish administration.

The idea that an island of the size and population of Cyprus should be expected to support two entirely separate state and military machines is an unhappy one, especially with the ethnic disparities involved and the crude version of apartheid lately enforced. Consideration of past wrongs will dominate discussion on both sides for a time, but everybody knows that if Cyprus were not cursed by its geography, and if it were not so small, none of this would ever have happened. As it is, Greek Cyprus may be scheduled to go the same way as Kurdistan and Armenia (two minority causes which do not receive very tender attention in Turkey itself).

If it did, who would mourn? Greece could probably live with it, though even the conservative Karamanlis has his public to consider, and after the seven black years of dictatorship that public has a very low opinion of American designs. Still, as one of Europe's most seasoned conservative crisis managers, he might ride the storm. The British Government has already washed its hands of its treaty obligations to Cyprus, and seems content to leave matters with Clark Clifford, Carter's special envoy on the Cyprus problem. NATO would relax, glad to be free of the great triangular screw-up that has dogged it since 1974. The Americans are only interested in removing the conflict as a source of intra-NATO friction and, of course, to prevent Cyprus from developing into an island of radicalism (over the years of negotiation with him the State Department took to calling Archbishop Makarios a "Cassocked Castro"). The Russians, who have been exploiting America's difficulties with Turkey, would resent a NATO solution in Cyprus but would be rid of the long commitment to the Cyprus cause that prevents their having an easy rapprochement with Ankara.

The problem is that Greek and Turkish Cypriots refuse to behave as if their island were uninhabited. Several years ago, when faced with apparently Byzantine intransigence from the Archbishop, George Ball banged the table and exclaimed "Goddamn it, your Beatitude"—remembering his protocol just in time. The Cypriots are no more convenient now than they were then, or than they were when Henry Kissinger referred to Makarios as "too big a man for so small an island." This is a population which is at one and the same time part of developed European culture and of the aspirations of the post-colonial world. Its traditions are generally radical, democratic and independent. To treat it as expendable would no more bring real peace between Greece and Turkey than did supporting the Athens junta. At that time, if you recall, Piraeus harbor was all-important for the Sixth Fleet and NATO. Now, apparently, it is as nothing compared to the vital strategic position of the Bosphorus. Those who originated this crisis have yet to show any evidence that they have learned from their mistakes. □

STATE LAWS AND EQUAL RIGHTS

THE BOGUS FEAR OF ERA

JANE O'REILLY

A person who signs her letter "Proud in Chicago" writes to tell me: "America is already an immoral, socialistic state. The Equal Rights Amendment, if passed, would complete the job, and by the way they've already installed coed bathrooms in New York. Tell your readers that." She encloses a pamphlet which lists the many other things she fears would follow from the passage of ERA.

"Proud" is confused. The Equal Rights Amendment reads:

> Section 1: Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.
>
> Section 2: The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

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Section 3: This amendment shall take effect two years after the date of ratification.

Passage of the Equal Rights Amendment would in no way threaten a citizen's already existing constitutional right to privacy, which guarantees sexually separate bathroom and sleeping facilities in public institutions and prisons.

It is true that New York City has a bathroom problem, but it results from the sharp decline in the number of toilets open to the public. Desperate citizens are turning Central Park into a *pissoir*, which is unpleasant but cannot be blamed on the Equal Rights Amendment. New York voters defeated a state ERA in 1975, and the federal amendment is not yet in force.

I note that "Proud" does not refer to a bathroom problem in her own state of Illinois, where the federal ERA has just been defeated again by local political squabbles, but where a state equal rights provision has been in effect since 1971 and a body of judicial decisions is being developed. Sixteen states, most of them since 1971, have enacted constitutional provisions directly prohibiting discrimination based on sex. Nine of those state laws—in Colorado, Hawaii, Maryland, Massachusetts, New Hampshire, New Mexico, Pennsylvania, Texas and Washington—closely resemble the federal amendment. The law in the state of Washington, for example, reads: "Equality of rights and responsibility under the law shall not be denied or abridged on account of sex."

In Alaska, Connecticut, Illinois, Montana and Virginia, the language of the law varies but generally is more like that of the less strict equal protection clause of the 14th Amendment to the United States Constitution. Thus, in Illinois the law reads: "The equal protection of the laws shall not be denied or abridged on account of sex by the State or its units of local government and school districts."

Utah and Wyoming added equal rights provisions to their Constitutions at the end of the 19th century. Neither state is yet noticeable for its attachment to socialism. (Wisconsin passed an equal rights statute in 1921, but it is not part of the state Constitution. However, Wisconsin reviewed its laws and passed comprehensive legislation designed to eliminate sex discrimination in 1975.)

The sixteen states that have embedded equal rights for women in their Constitutions have been implementing that principle with widely differing degrees of determination (Virginia, for example, has never set up any sort of vehicle to enforce compliance. It is also one of two states—the other is Mississippi—which have never allowed the federal ERA to emerge from committee.) But not even Pennsylvania—where the courts have made the largest number, twenty-four, of significant ERA decisions—can offer persuasive evidence that national observance of the ERA would put an end to civilization as "Proud" knows it.

Anti-ERA organizations warn that the amendment will mean chaos in the courts, enormous costs and crowds of housewives lamenting their lost privileges. Perhaps because none of those things has actually happened in the states with equal rights provisions, "Proud" and her cohorts on the Right limit analysis of those states to dire reports about homosexual marriages in Colorado. In fact, laws prohibiting homosexual marriages have been upheld in both Washington and Colorado, and the legislative history of the federal ERA makes clear every state's right to refuse recognition of such marriages.

"Proud" is convinced that a wife has a right to be supported by her husband and a husband has a right to a wife in his home. No doubt she has been convinced of the existence of those "privileges" by Phyllis Schlafly, who often fails to distinguish between 19th-century common law, which viewed a wife as property, and 20th-century laws and practices. In current practice, the most a spouse in an ongoing marriage can hope for legally is support for basic necessities, and she (or, sometimes, he) would, in most states, find no one (except creditors) very interested in enforcing that right until after the marriage had broken up.

Courts in states with equal rights provisions have tended to award alimony and child support on the basis of need and assets, rather than on sex-based presumptions, and to decide child custody on the basis of benefit to the child. Significantly, these courts have also tended to strengthen the position of housewives by recognizing the value of unpaid contributions to the household. The Pennsylvania Supreme Court, for example, struck down a presumption that the husband owns the household goods, replacing it with a presumption of joint ownership and holding that nonmonetary contributions to the household must be considered in dividing goods at divorce. The Texas Court of Civil Appeals held that unequal division of community property and of child-support obligations favoring a wife on divorce does not necessarily violate the ERA, because the court must consider such factors as the wife's lower earning capacity.

The courts in ERA jurisdictions have begun adjusting domestic and general civil law to the realities of modern life, and to the notion of individual equality, without causing the immediate disintegration of the social fabric that "Proud" expects. As a case in point, the Washington state Supreme Court recognized the right of husbands as well as wives to accompany their spouses to a new location without jeopardizing their eligibility for unemployment benefits. The same court struck down an automatic denial of benefits to women between the seventeenth week before and the sixth week after childbirth. In Texas, a state university rule prohibiting female students from living off campus was invalidated, and at the same time the right of male students to be offered on-campus housing was established. Connecticut, Pennsylvania and Colorado have revoked regulations that prohibit girls from competing against boys in interscholastic sports. (No doubt that is just the sort of thing that worries "Proud.")

Very few cases involving criminal statutes challenged on an ERA basis have been decided thus far. No rape laws have been overturned, and in some states they have been rewritten to include male victims. In Pennsylvania, men and women are now subject to the same minimum sentencing system—women had been exempt. In Illinois, the extension of juvenile status for females to the age of

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18 has been invalidated; all young people are now considered juvenile until they are 17.

According to the best book on the theory and results of the Equal Rights Amendment, *Women's Rights and the Law*, by Barbara A. Brown, Ann E. Freedman, Harriet N. Katz and Alice M. Price (Praeger Special Studies), "The general trend, both in terms of common-law doctrines and statutory law, has been for courts in ERA jurisdictions to strike down outdated or unreasonable restrictions on one sex and to extend important rights, benefits and obligations to members of both sexes." Opponents of the ERA like to warn that no one knows what effect it will have. Their attention is not easily drawn to the legislative history of the amendment, which indicates what it is supposed to do, and why, or to those states where something is already being done.

As of 1976, a majority of the states, whether or not they had passed state equal rights provisions, had tried to identify sex-based laws in anticipation of passage of the federal ERA. New Mexico and Washington have passed comprehensive reform legislation to implement equal rights for women. There are other examples: Iowa has enacted a statewide omnibus bill eliminating gender references to statutes concerning rights and obligations of public employees; California and Connecticut have adopted statewide affirmative action plans; in Maryland, laws have been passed that explicitly encourage part-time employment without loss of benefits.

The liberal counterpart of "Proud" wonders why, if laws have begun to change, we still need a federal amendment. It is because half the population of the United States is not equal under the law and never will be equal in this lifetime if we progress bit by bit, state by state, case by case (always subject to reversal). Without a federal ERA we have no universal legal definition of equality of the sexes.

Most liberals think, rather vaguely, that equal rights for women would be a good thing. They do not understand why the amendment has not passed. They would understand if they had not refused to take seriously an opposition which connects coed toilets, socialism and equality for women.

"Proud" has been told that the ERA will bring the federal government into all aspects of our lives, transfer power away from the states, destroy the family, take housewives out of the home and jobs away from men, compel federal child care for all children, draft women and—as a scheme for massive redistribution of the wealth—destroy the free enterprise system.

No society has ever had sexual equality, and the Equal Rights Amendment, if it succeeds, will be for that reason a leap into the unknown. But it will not be an immediate, revolutionary leap beyond the restraints of law and social custom. The ERA would cause change, but it is also an attempt to deal with the changes that have already taken place. The opposition wishes to reverse those changes, and the booklet that "Proud" has sent me, like all the anti-ERA propaganda, is an extremely clever method of aggravating her fear of the unknown.

It is propaganda that mixes up the legally impossible (unsegregated public toilets), and the hitherto unquestioned (Congress always had the right to draft women if needed, and has the power to write legislation to implement *all* constitutional amendments) with threats that what has already happened without the ERA (federal power, fragmented families, working wives) will happen *because of* the ERA.

"Proud" is afraid of change. She may truly believe, for example, that allowing a married woman to keep her own name is an innovation that strikes at the heart of her definition of social order—an order that depends on inequality. But the people who exploit her fears so effectively are interested in protecting the free enterprise system as they enjoy it, based on an enormous unpaid or low-paid labor force. Equal opportunity for equal pay for comparable work would be, in fact, a massive redistribution of the wealth. It would also fulfill the theoretical principles of democracy.

If the Equal Rights Amendment does not pass, we will have admitted that sex discrimination is ultimately more basic to our social and economic structure than is equality. □

PEKING SPRING

THE PENDULUM OF CHINESE ART

GEOFFREY COWAN

Twelve years ago, Hsia Yen was a leading Chinese writer and movie director, an early Communist revolutionary and former Vice Minister of Culture who was credited with introducing such Marxist themes as class struggle into Chinese films. But Hsia was hated by the authorities who came to power in 1966, during the Great Proletarian Cultural Revolution. Chairman Mao Tse-tung's wife, Chiang Ch'ing, who emerged as the nation's culture czar, banned his films and denounced Hsia and three of his colleagues as the "Four Villains."

Hsia was exposed to the ultimate humiliation late in 1966: as 10,000 Red Guards watched, the "Four Villains" were subjected to a show trial and conviction in Workers Stadium. Hsia was forced to march through the stadium wearing around his neck a huge wooden placard

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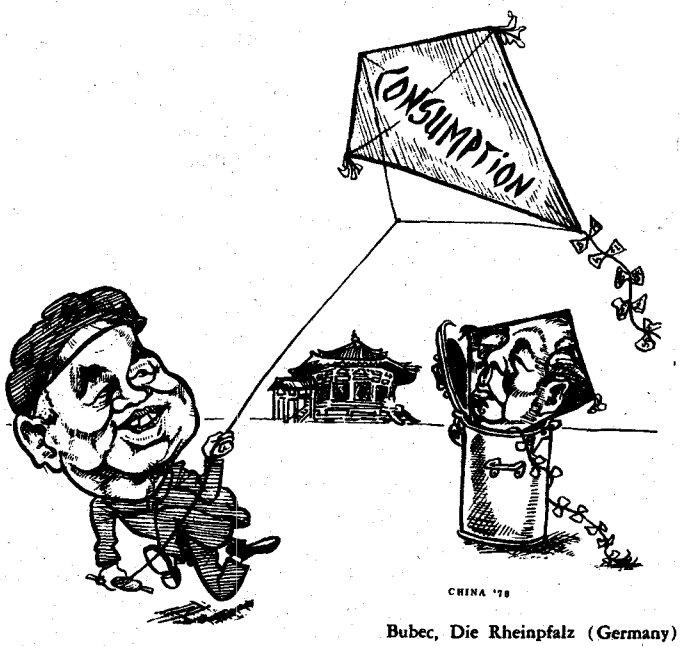

Bubec, Die Rheinpfalz (Germany)

on which his name was printed in two large black characters, a bold "X" slashed across each.

Today, Hsia Yen is back in favor. His plays and films are once again in vogue, and he is vice chairman of the China People's Association for Friendship with Foreign Countries, the organization that receives visiting groups. He is, in effect, one of the government's official greeters. It is now Chiang Ch'ing's turn to be vilified; she and three other "ultra radical" leaders are under house arrest in Peking, universally condemned as the "Gang of Four."

China is undergoing what might be called "The Cultural Counterrevolution" or "Peking Spring"—an opening up of the arts to ideas and themes that have been banned for most of the past twelve years. For many, it is time for rejoicing. "There is a lot of emotion and ferment," an American diplomat in Peking noted, "as they restore the traditional opera and bring out old people who haven't been seen for a long time."

In April, I watched that ferment at firsthand. Together with sixteen leaders of the American entertainment industry, led by television producer Norman Lear, my wife and I spent three weeks touring China as guests of the Friendship Association and the Ministry of Culture. At each stop our hosts were successful representatives of the Chinese arts—film makers in Canton, an opera singer in Kweilin, the Minister of Culture in Peking, a celebrated novelist in Shanghai.

Almost every one of our hosts had been effectively ostracized from 1966 until October 1976 (a month after Chairman Mao's death), when the "Gang of Four" was, in the current regime's phrase, "smashed." We were met at the Canton train station by Hsin Ji-tien, an actor whose best-known movie, *Sneak Attack*, describes a successful operation against an American-held bridge during the Korean War. It was banned by the Gang, and Hsin was obliged to spend several years driving a forklift. He is now making films again. A second host in Canton was Wang Wei-yi, a respected director whose *Wave of the South China Sea* was declared taboo by Chiang Ch'ing. During the late 1960s and early 1970s Comrade Wang was sent to a "cadre school" where he worked as an agricultural laborer. Today he is directing a film about a university professor.

The experiences of Hsia, Hsin and Wang are by no means unique. During the Gang's decade, nearly all the old films were banned, along with folk operas, popular songs and paintings, and many of the art world's most creative and influential members were jailed or directed to pursue other work. Their rehabilitation appears to have been total.

That does not mean, of course, that the arts in China can now be said to be free. It is still assumed that art should serve politics, and that counterrevolutionary or revisionist art should be prohibited. But the process by which such art is judged has been altered drastically. The change was described by Wang Lan-hsi, Vice Minister of Culture, who told us that we were the first American cultural delegation with whom he had met. The Gang, he said, banned anything which failed to strike its fancy. For example, it condemned all dark-ink landscape painting as being too black and without political function. They wanted only art that exalted workers, soldiers and peasants.

The new government, the Vice Minister said, encourages diversity and all works will be allowed that do not violate one of the "six basic criteria." Most important, artistic works are not permitted to weaken the Communist Party's leadership or depart from "the socialistic road."

As far as we could tell, the government is truly committed to greater diversity and freedom. In Kweilin, we were entertained by Huang Wan-hua, an opera singer known internationally for her portrayal of the lead in *Sister Liu*. On a boat ride down the Li River, she was besieged by Japanese autograph hunters who recognized her instantly, but who had no interest in the American stars on our tour. But from 1968 to 1976, the opera was banned in China and Comrade Huang was confined to playing ensemble roles. The Gang did not explain its reasons for objecting to *Sister Liu*, and may simply have disliked its romantic and entertaining qualities, but in fact the opera's political theme is of more than casual interest.

The heroine has a superb voice and her songs are said to give life and courage to the family and friends who live on a once-barren mountaintop which they have made bountiful. As the show unfolds, a cruel landlord tries to destroy Sister Liu and her independent community by forbidding her to sing. But she tells him that "those who seek to prohibit local folk songs are bound to be destroyed themselves," and she successfully resists his order. Creativity and independence are the victorious heroes.

Sister Liu is now being performed everywhere in China, and there is reason to think that the present rulers have accepted its message. The head of the Pearl River Movie Studio told us that "under the Gang of Four we started with a proper political theme and told writers to find a story to fit it. Now, we ask writers to write out of their own experiences."

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Yet hopeful as these signs are, no conclusions about Chinese culture can be fully secure. It is now clear that there was massive cultural repression under the Gang of Four and that, far from being confined to elitist arts, as some had maintained, it applied to the most popular movies, songs and folk operas. Nevertheless, visitors to China in the early 1970s came back with glowing reports on the arts. The members of The Committee of Concerned Asian Scholars, for example, who were there in 1971, wrote approvingly of "The Arts" in a 20-page section of their book, *China! Inside The People's Republic*. Though they criticized China's performance in some other fields, they said of the arts:

> Since the Cultural Revolution the writing of novels has almost stopped and other forms of creative writing have decreased markedly. Furthermore, the books written in the 1950s and the early 1960s are no longer to be found in bookstores anywhere. The new emphasis is on visual arts such as cinematic and theatrical productions, picture books, prints, posters and sculptures. The reasoning behind this dramatic shift appears simple but is actually quite revolutionary: as long as there are millions of partly educated peasants and workers and some highly educated people at the top of a cultural educational bureaucracy, a culture based on literature will continue to be an elite culture. In an attempt to deal with this problem, there is now a clear focus of attention on the forms of culture which can be enjoyed by anyone, literate or illiterate: the visual arts.

Not one word suggested that folk music and popular visual works had also been banned, or that singers, painters and film makers as excellent as those we met had been forbidden to pursue their crafts. As one man who has lived in China for thirty years, and who is totally committed to the Chinese experiment, put it: such people "got all the wrong dope."

Were we getting the wrong dope as well? When we asked what had happened to artists who prospered under the Gang of Four, we tended to get equivocal answers. We were told that at least three actors are so totally in disgrace that the filmed version of Chiang Ch'ing's eight "model revolutionary Peking operas," in which they were featured, has been banned. *Counter-Attack,* a movie that contains a scathing criticism of the once reviled but now reinstated Vice Premier Teng Hsiao-p'ing, is no longer shown in theatres—though some classes use it as a textbook example of the Gang's villainy. When we questioned the Vice Minister of Culture on this subject he said, "Those in authority—we asked them to admit their mistakes, and we gave them criticism. And of course they won't resume their former posts." Of 1,600 staff workers in the Shanghai film studio, we were assured that only twenty still have problems, and that only a few of those, members of the Shanghai Writing Group who maintained especially close relations with the Gang of Four, are held in any kind of captivity.

On the train into China, we asked some young Chinese women to sing their favorite song. They chose *Wave Upon Wave,* a very pretty song that was extremely popular in the mid-1960s. Though it reportedly was Premier Chou En-lai's favorite song, *Wave Upon Wave* was not heard in China for a decade. It came, as it happened, from a film called *Red Guerrillas on the Lake of Hung*, whose hero was General He Lung. Since they considered the General a revisionist, the Gang banned both the movie and the song. Now *Wave Upon Wave* is a song on the nation's lips.

The cultural change in China today is breathtaking. It is as though the Hollywood 10 had taken over the studios and the top government culture posts when John F. Kennedy was elected President in 1960. It is a wonderful and refreshing change, but one hopes that a hundred flowers truly will bloom, and that politics and bitterness won't lead those who achieve power in the post-Gang of Four period to emulate their oppressors by banning the works of the Chinese equivalents of Jack Warner, Elia Kazan and Ronald Reagan. □

THE U.N. EMBARGO EVADED

GETTING ARMS TO SOUTH AFRICA

MICHAEL T. KLARE & ERIC PROKOSCH

On March 30, a federal judge in New Haven ordered the Olin Corporation to pay $510,000 to local charities as "reparations" for the firm's illegal arms deliveries to South Africa. A week earlier, Olin had pleaded *nolo contendere* to a twenty-one-count indictment for conspiring to violate U.S. munitions laws by arranging for the shipment, through other countries, of 3,200 firearms and 20 million rounds of ammunition to South Africa. Handing down his unprecedented sentence, Judge Robert C. Zampano stated that "a financial fine is not enough," since these violations "could reflect on the credibility of the United States in the world."

The Olin indictment was widely described in the U.S. press as evidence that the government was committed to strict enforcement of the 1963 U.N. embargo on arms deliveries to South Africa. Mounting evidence suggests, however, that the Olin case reveals only the tip of U.S. corporate involvement in illicit arms shipments to South Africa, and that over the past fifteen years the government has facilitated such deliveries by closing its

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eyes to questionable transactions or by interpreting ambiguous export regulations in the companies' favor. Indeed, Judge Zampano suggested as much when he observed, in a related case involving employees of Colt Industries, that Washington regularly "looks the other way" when violations of the embargo are at issue.

Strict enforcement of the U.N. embargo is critical for two reasons: to demonstrate a worldwide opposition to white minority rule in southern Africa, and to prevent the delivery of those arms and systems that the Vorster regime needs to maintain its dominance in the face of growing domestic opposition. And since cooperation in the embargo has been the principal way by which our government has expressed its opposition to apartheid, any failure to enforce the measure will be interpreted as a tacit vote of confidence in the Pretoria regime. Indeed, America's performance in enforcing the embargo will be watched even more closely now that the Carter administration has subscribed to a new, more rigorous U.N. embargo, adopted on November 4, 1977, after Steve Biko died in detention and Pretoria cracked down on other black leaders.

Joke, De Nieuwe Gazet (Antwerp)

Prime Minister John Vorster

Since 1963, U.S. firms have used many means—legal and illegal, direct and indirect, overt and covert—to circumvent the U.N. sanctions. Arms supplied through these channels have enabled the Vorster regime to tighten its hold on the black majorities of South Africa and Namibia (occupied by Pretoria in defiance of U.N. covenants), and to ignore what it perceives as halfhearted protests from U.S. officials. In identifying these conduits, we shall concentrate on deliveries to the South African Air Force (SAAF), but most of the channels here described are used as well to supply South Africa's army and navy.

The size of America's contribution to the arming of South Africa becomes apparent when one examines the SAAF listing in *The Military Balance*, an annual survey of world military forces published in London by the International Institute for Strategic Studies. According to the 1977-78 edition, fully 40 percent of front-line aircraft—161 out of 362 planes and helicopters—in the SAAF inventory (excluding trainers) are partly or fully of U.S. origin. Some of these, such as the C-130 Hercules transports, said to have been used to mount the recent South African raid into Angola, were delivered before the 1963 embargo was adopted, but most were delivered after 1963. Still other U.S. aircraft, not listed in *The Military Balance*, have been sold to members of an all-white, civilian militia, the "Air Commandos," who fly their own planes in support of regular SAAF units.

No one doubts that South Africa got these planes; the question is how it did so despite the embargo. We have found that four principal loopholes and several clandestine routes have been used for this purpose over the past fifteen years:

Loophole No. 1: "Civilian" aircraft sales. Some U.S. planes have been delivered directly from the United States to the SAAF with the blessing of our government. Sixteen Lockheed L-100 cargo planes and seven Swearingen Merlin-IV transports were supplied during the Nixon-Ford administrations and at least twenty-two Cessna Model-185 light planes in the mid-1960s. These planes were classified as "civilian" by Washington and thus exempted from the U.N. embargo under a 1964 White House memorandum which barred the transfer of conventional *weapons*, but gave the State Department wide latitude in determining whether auxiliary items, such as transport and communications equipment, came under the rule. By stretching this discretionary power to its limit, the Secretary of State could permit sales of major combat-support equipment to the South African military. In a secret 1969 National Security Council memorandum, President Nixon agreed to provide substantial quantities of support equipment to the South African military, and the L-100s and Merlins were fitted into the exempted category.

The L-100 "Commercial Hercules" is almost an exact replica of Lockheed's C-130 Hercules cargo plane flown by the U.S. Air Force and many other military agencies around the world. The military version offers a slightly longer range and a paratroop door, but is otherwise identical to the civilian model. Aircraft of this type were reportedly used to carry supplies to the South African units fighting in Angola during the 1975 civil war, and to ferry riot troops from one embattled city to another after the uprising in Soweto.

The Swearingen Merlin-IV is an all-weather, pressurized, executive-type transport plane that can carry fifteen to twenty paratroopers or 5,000 pounds of cargo over distances of several hundred miles. It is included in the air force inventories of several countries, Oman, Argentina and Chile among them. It is believed that these planes have also been used to support military operations in Namibia and southern Angola.

Like the Hercules, the Cessna Model-185 Skywagon is produced in both civilian and military versions. While it cannot be considered major combat equipment, it is widely used to guard the South African border against black liberation fighters. According to the South

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African military magazine *Paratus*, Cessna 185s "keep the 1,000-mile border under constant surveillance." The magazine also noted that "Cessnas can be used to control ground fire onto specific targets and to report subsequent enemy movement."

Other significant support equipment, including computers, communications systems, navigational devices and military vehicles have also been supplied to South African military forces via Loophole No. 1. Like the transport planes, these items were labeled "civilian," even though intended for military use.

Loophole No. 2: U.S.-Powered Aircraft. The 1963 embargo applies both to complete aircraft and to major components. Nevertheless, many planes in the SAAF inventory are powered by U.S.-produced or U.S.-designed piston engines. These include the Piaggio P-166 patrol plane, the AerMacchi AM-3C, and the Atlas C-4M. They were assembled abroad, and their U.S. engines were judged to be outside the embargo, under a 1968 State Department memorandum stating that U.S. components intended for use in combat-support equipment of the type covered in Loophole No. 1 may be sold to third countries.

The P-166 is a light transport plane produced by Piaggio of Italy and powered by two Avco-Lycoming piston engines produced in Williamsport, Pa. The basic P-166 carries up to twelve passengers or 2,500 pounds of cargo, and can be armed with a variety of bombs, rockets and other munitions. The SAAF has also acquired a specially equipped version, the P-166S Albatross, for coastal surveillance.

Piaggio also produces, under license, the U.S.-designed Lycoming engines used to power the AM-3C and the C-4M. The former is a three-seat utility plane manufactured in Italy by Aeronautica Macchi SpA (AerMacchi), a Lockheed affiliate. According to *Jane's All the World's Aircraft*, the AM-3C is used for observation, liaison and training. It is powered by a single Lycoming piston engine, and can be fitted to carry small bombs, rockets and napalm.

The C-4M, which is manufactured in South Africa by Atlas Aircraft, is a light STOL (short-takeoff-and-landing) transport. Like the AM-3C, it is powered by a Lycoming piston engine produced under license in Italy by Piaggio. Atlas was set up by the government to promote self-sufficiency in arms production, and thus reduce the burden of the U.N. embargo. But while Prime Minister Vorster has boasted frequently of South Africa's domestic arms-making capabilities, Pretoria depends on foreign suppliers for key components, raw materials and design technologies. The C-4M is a case in point; not only is it powered by a U.S.-designed engine imported from Italy; it is also modeled after a U.S. aircraft, the Lockheed L-60 (of which more below).

Loophole No. 3: Overseas Production of U.S.-Designed Aircraft. In the cases of the AM-3C and C-4M, U.S.-designed engines, produced in Europe, are used to power aircraft destined for South Africa. In still other cases, European producers have sold the SAAF aircraft of wholly U.S. design. Such sales, to be permissible under U.S. law, must be of unarmed support planes like those described under Loophole No. 1. An aircraft in this category whose delivery to the SAAF can be documented is the AerMacchi-Lockheed AL-60 Conestoga transport, the Italian version of the Lockheed L-60. It is a single-engine STOL transport, produced by Aeronautica Macchi under license from Lockheed, which also owns a considerable block of AerMacchi stock. Powered by a single Lycoming piston engine, it is designed to operate out of unimproved airstrips in rugged areas. Some twenty AL-60s were sold to the SAAF in the 1960s, and later transferred to the Rhodesian Air Force, where they are known as the Trojan. These aircraft are said to be used by the Rhodesian Air Force to support outlying anti-guerrilla forces.

Loophole No. 4: Aircraft Sales to Civilians. The 1964 Executive Order governing U.S. compliance with the 1963 U.N. embargo did not cover sales of "civilian" planes to nonmilitary buyers in South Africa, and over the years U.S. producers have done well, supplying light "business" planes and helicopters to South African civilians and airplane dealers. South Africa is reported to be the world's tenth largest customer for such aircraft and U.S. firms normally sell some 150 light planes a year in that market. These aircraft—many of which also come in military versions—though nominally owned by private citizens and firms, can be seized for military use according to an emergency decree of November 10, 1977 that Pretoria issued in response to the new U.N. embargo of November 4. Such aircraft can also be used by the Air Commandos, who can be ordered to fly in support of regular military units.

Jennifer Davis, research director of the Africa Fund, testified before the Africa Subcommittee of the U.S. Senate Foreign Relations Committee in 1975 that the Air Commandos' training "entails radio cooperation with army and mobile police striking forces, reconnaissance, practice bombing, and general cooperation in maintaining the internal security of both South Africa and South West Africa." Although it is impossible to determine from public sources which U.S. aircraft have been assigned to the Air Commando squadrons, data recently released by the United States Export-Import Bank (Ex-Imbank) on loans provided for aircraft sales to South Africa indicate many deliveries of planes with dual military/civilian capabilities. In 1973, for instance, the Ex-Imbank guaranteed loans for sales of several Beechcraft Model-55 and -58 Baron twin-engined business planes to South African buyers. A militarized version of the Baron, the T-42A Cochise, is used by the U.S. Army as a basic instrument trainer.

In May 1976 the Ex-Imbank approved a $163,000 discount loan for the sale of two Helio Aircraft Model-295 Super-Couriers to a South African firm. The Super-Courier is a STOL transport particularly suited for operation in rugged terrain. Several military versions exist, one of which is equipped with paratroop doors and "has been operated in Southeast Asia, South America, and in other parts of the world, on a wide variety of

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military missions," according to *Jane's All the World's Aircraft*.

Although these and other sales are nominally commercial transactions between U.S. firms and private buyers, the U.S. Government is directly involved—both through the Commerce Department, which must grant permission for all such "civilian" exports to South Africa, and through the Export-Import Bank, which assumes the risk (at U.S. taxpayers' expense) for the loans provided by local banks. The State Department is also involved by default, since it is instructed to insure, in accordance with the 1963 embargo, that military equipment does not fall into the hands of the South African military.

On December 14, 1977—only five weeks after the U.N. adopted the new embargo—the State Department announced that it was recommending approval of the sale to South Africa of six Cessna planes, valued at about $500,000. The decision was defended on the now-familiar ground that the aircraft were nonmilitary products destined for civilian use. John Trattner, speaking for the State Department, said "it would be incorrect to infer that a decision has been made to discourage the export of civilian aircraft to South Africa." Press reports of the December 14th announcement intimated that Cessna plans to sell forty-four more planes to South Africa this year.

Illegal/Clandestine Arms Deliveries. In addition to the aircraft and support equipment that reaches South Africa via the loopholes described above, large quantities of arms have been shipped through illegal and clandestine routes. In most cases, such transactions have involved deliveries to "third countries" not covered by any embargo, which then transship the weapons to individuals, firms or agencies inside South Africa. That was the case with Olin, which had been selling arms to South Africa via Mozambique, Austria, Greece and the Canary Islands.

Arms of U.S. design are also being sold to South Africa and Rhodesia by subsidiaries and partners of U.S. corporations in Europe. Unlike the U.S.-designed *support* equipment, such as the cargo planes described above, the sales in question here are of regular combat equipment. Because such transactions are blatantly illegal, they are not acknowledged by the authorities involved and thus are not listed in *The Military Balance* (which normally uses government data for its listings). However, several researchers have reported the delivery to South Africa of such U.S. arms as Lockheed F-104G Starfighters, produced in West Germany by a consortium of firms, and FMC Corp. M-113 armored personnel carriers, produced by Oto Melara of Italy. Visitors to South Africa have also reported seeing Bell Model-205A troop-carrying helicopters of the type produced in Italy by Agusta. Although full confirmation of these transactions is still lacking, it is clear that at least some U.S.-designed weaponry has reached South Africa through such channels.

In response to widespread protests from U.S. Members of Congress and opponents of the Pretoria regime, the Carter administration has agreed to re-evaluate government regulations concerning arms sales to South Africa in light of the U.N. 1977 embargo. New regulations were issued on February 17. They could go a long way to curb the abuses noted under Loophole Nos. 1-3 above (it will no longer be permissible, for instance, to sell "civilian-type" aircraft like the L-100 to South African military and police units); they do *not* prohibit sales of civil aircraft to nongovernmental South African buyers. Indeed, the General Aircraft Manufacturers' Association announced on March 22 that the administration had approved the sale of another seventy to eighty light aircraft, worth more than $3.5 million, to buyers in South Africa.

In letters to Members of Congress, the State Department has promised that hereafter all licenses issued for the export of civilian aircraft to South Africa will specifically prohibit their use by military or police units. Critics of the administration's policy charge, however, that such language would not be heeded by the Vorster regime in the event of a crisis. Accordingly, several Representatives, led by Cardiss Collins of Illinois, have introduced a bill (H.R. 10722) that would flatly bar the sale of all aircraft, aircraft engines and helicopters to South Africa.

In the absence of such legislation, it is safe to assume that U.S. aircraft sold to South Africa will be used for military purposes in the event of intensified armed struggle against the Vorster regime. The same is true, of course, of U.S. vehicles, computers and other military-related products sold to corporations (including U.S.-based multinationals) in South Africa.

Unless the links between U.S. firms and their overseas subsidiaries and partners in Europe are closely monitored to prevent violations of the embargo, the supply routes described above will remain in operation. It is essential, therefore, that opponents of apartheid generate public support for the Collins bill, and pressure the administration to enforce the new U.N. embargo. For, if every channel carrying American arms to South African military is not shut off, our country will become ever more deeply implicated in the preservation, by violent means, of the racist status quo. □

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BOOKS & THE ARTS

The Sound of One Hand Clapping

RN: The Memoirs of Richard Nixon. *By Richard Nixon. Grosset & Dunlap. 1,120 pp. $19.95.*

ROBERT SHERRILL

On September 15, 1972, seven men were indicted for burglarizing the National Democratic headquarters in the Watergate building. On that day, so he tells us in *RN*, President Nixon recorded in his diary: brief details of a tax conference; his reflections on several passages from Robert Blake's *Disraeli*; snippets about a conversation with daughter Julie; a mention of concern about wife Pat's earache; comments about a radio speech by John Connally, and recollections of a meeting with singer Ray Charles.

Toward the end of the diary entry Nixon added, almost as an afterthought: "This was the day of the Watergate indictment, and we hope to be able to ride the issue through in a successful way from now on."

When he wrote that "we" would ride the issue through in a successful way, he meant, of course, that he and his subordinates would cover it up. That same day he praised John Dean for his ability at "putting your fingers in the dikes."

H.R. Haldeman, in *The Ends of Power*, says that Nixon "absolutely" knew about the Watergate burglary, but he doesn't make clear just when he knew. Nixon talks around this point, saying it was "unfortunate" that he didn't know about Watergate "before it broke" because "I think we would have turned it off. . . ." He isn't sure he would have stopped the burglary; he only thinks so, and not because it was wrong but because it was "so utterly stupid."

On the other hand, covering up the burglary was clearly demanded, yet by the middle of April "the whole thing was completely out of hand." It was no longer merely a problem of covering up a crime but of avoiding being caught covering up the cover-up of his cover-up. Nixon writes it this way: "Now it was not just a question of knowledge of the Watergate break-in or a subsequent cover-up, but the possibility of having to respond to accusations that I had not acted promptly on the knowledge obtained during the past few weeks." He ends this contorted summation of bungling with a new and almost funny goal: "By April 14, when everything began to fall apart, all that was left to me was to try to get myself into a position to be able to claim that I had cracked the case, trying to garner some credit for leadership that I had failed to exert."

He is clearer about other crimes he committed, or commissioned, or instigated. For instance, the break-in at the office of Daniel Ellsberg's psychiatrist. Nixon does not say flatly that he ordered the burglary but he comes close to it. Egil Krogh's "Plumbers" pulled the burglary. Nixon says that prior to the break-in, "I tried to motivate Krogh in the strongest terms." He writes, "I do not believe I was told about the break-in at the time, but it is clear that it was at least in part an outgrowth of my sense of urgency about discrediting what Ellsberg had done and finding out what he might do next." Nixon admits that, if he had been told that the burglary was going to be committed, "I cannot say . . . I would have automatically considered it unprecedented, unwarranted, or unthinkable." In short, he admits that he may have known about preparations for the burglary ("I cannot rule it out"), that he might have consented to it if he had known, and that in any event it was at his intense urging that the chain of events leading to the burglary was started.

For all his obstruction of justice, his cover-ups of crimes, his instigation of crimes, Nixon suffers no remorse. He claims that he was operating in such perilous times that he was justified in suspending, unofficially, the Constitution. "I believed that national security was involved. I still believe it today. . . ."

Nixon was driven to extremes by all those enemies. (Strangely, he makes no mention of John Dean's handy enemies lists.) The enemies were the same ones William Safire discusses, much more wittily and sympathetically than his former boss ever could, in *Before the Fall*. "When Nixon later spoke of the 'expected excesses' of others as the reason for the excesses of 'us,'" wrote Safire, "he put his finger on the political philosophy of the pre-emptive strike. . . ." As the tapes reveal he once told John Dean (but which he does not repeat in *RN*), "Bullshit: Nobody is a friend of ours."

The Pentagon was his enemy. On one crucial occasion he gave a direction that the Pentagon waited three weeks to implement. Sometimes it almost seemed that the "intelligence community" generally was an enemy or, if not that, at least a dupe of the enemy. He had asked for evidence that the Black Panthers were linked to radical Arab terrorists and that the Weathermen were linked with Cuba and North Korea and North Vietnam. Nixon knew this to be the case because "the patterns were too clear," but "the intelligence community never had a conclusive answer." He plainly does not think it tried very hard. J. Edgar Hoover was certainly an enemy. After White House official Tom Huston had developed his "counterrevolutionary" plan of wiretapping, burglary and letter opening, Nixon approved it but Hoover declared he would not cooperate. Nixon knew the old bastard was too crotchety to trust: "Even if I issued a direct order to him, while he would undoubtedly carry it out, he would soon see to it that I had cause to reverse myself."

Hoover proved himself an enemy again when Daniel Ellsberg leaked the Pentagon Papers. Nixon was convinced that Ellsberg was part of a giant anti-war conspiracy, and yet, "Even as our concern about Ellsberg and his possible collaborators was growing, we learned that J. Edgar Hoover was dragging his feet and treating the case on merely a medium-priority basis"—not because Hoover was anti-war but because he didn't want bad publicity from the press and was "sensitive about his personal friendship with Ellsberg's father-in-law."

But if Hoover was a dupe, Nixon suspected Elliot Richardson was even worse. "We learned that an aide to Elliot Richardson at the State Department had given Ellsberg access to the current Vietnam documents in 1970. Even after the information in them was leaked, presumably by Ellsberg, Richardson had refused to remove the aide." Although Richardson, as Attorney General, had followed orders not to insist on "unreasonably tough terms" for Vice President Agnew's guilty plea, and al-

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though he had served faithfully as Nixon's flunky in trying to get Special Prosecutor Archibald Cox to ease up on the Watergate defendants, Richardson would not go so far as to fire Cox. His refusal, Nixon felt, was treachery of the worst sort. "Establishment types like Richardson simply won't stand with us when chips are down. . . ."

Richardson's perfidy had been evident from the start. "If Richardson had searched specifically for the man whom I would have least trusted to conduct so politically sensitive an investigation in an unbiased way, he could hardly have done better than choose Archibald Cox." Had he not himself been a traitor, Richardson would have been horrified by the very thought of appointing someone so thick with the Kennedys. "*The Boston Globe* reported that he had actually been recommended to Richardson by Teddy Kennedy. . . . Cox was sworn in as Special Prosecutor on May 24. Teddy Kennedy and Mrs. Robert Kennedy were among his guests at the ceremony. . . . It did not take long for my worst fears about the Special Prosecution Force to be realized. Of the eleven senior staff members Cox chose, seven had been associated with John, Bobby, or Teddy Kennedy." Always the hated Kennedys, flesh and ghosts. Would Nixon never escape them?

The CIA was another enemy. Nixon had tried to use the CIA to destroy the reputation of John Kennedy—"to document the role of the Kennedy administration in the Diem assassination and the Bay of Pigs," as Nixon writes—but he discovered that "the CIA protects itself, even from Presidents. Helms refused to give Ehrlichman the agency's internal reports dealing with either subject."

(Nixon does not mention that, having failed to get the documents they wanted from the CIA, his operatives forged a State Department cable indicating Kennedy complicity in the 1963 assassination of Diem and tried to plant it with *Life* magazine.)

The public was the enemy. Nixon may not have seen *every* citizen as his enemy, but nowhere in these pages is there a sign that he felt a true fellowship with any part of the public, and there are many passages where he depicts himself as a lonely, gallant Custer surrounded by a sea of howling citizen savages. He tells of a visit to Atlanta where half a million turned out for the parade, but the only people he recalls in detail are "all the nutheads in the nasty crowd. . . . They basically are haters, they are frustrated, they are alienated—they don't know what to do with their lives."

And—perhaps chief enemy of all—"Finally, there were the media. I felt . . . they had a vested interest in my impeachment. After all the months of leaks and accusations and innuendo, the media stood to lose if I were vindicated." He had hated the press, and felt hated in return, at least since his campaign for the governorship of California. As in his earlier memoirs, *Six Crises*, Nixon tells again how good it felt to lambast the press in his famous "my last press conference." Everyone remembers the first half of the most famous sentence in that press conference: "You won't have Nixon to kick around anymore, because, gentlemen, this is my last press conference. . . ." But it is the second part of the sentence (he gives us the whole tirade once again in *RN*) that is most revealing: ". . . and it will be one in which I have welcomed the opportunity to test wits with you." He did not take a single question from the reporters at that press conference, and yet he saw it as a test of wits with the enemy.

That fitted the pattern. Surrounded by a hostile world, he felt it only fair and prudent to operate with the lowest possible risk: testing wits with reporters who had no chance to open their mouths; keeping ahead of the enemy by wiretapping, opening the mail, burglarizing; using power in any way that power could be used to gut his myriad enemies. He confides to his diary, "I later told Haldeman . . . that he [John Dean] had the kind of steel and really mean instinct that we needed to clean house after the election in various departments and to put the IRS and the Justice Department on the kind of basis that it should be on. There simply has to be a line drawn at times with those who are against us; and then we have to take the action to deal with them effectively. Otherwise, they will be around to deal with us when their opportunity comes to them." The rightness of his attitude was proven during the 1972 campaign when George McGovern attacked in a "very vicious and irresponsible way" by having the effrontery to mention the war in Vietnam and Watergate.

Such liberals should be destroyed, not debated. But "our people . . . are reacting in their usual honest and stupid way, by defending rather than attacking." Oh, if he could have headed a party of sufficient ruthlessness. "The

PADRE ISLAND: A SANCTUARY

You could be lonely here
forever, that sanctuary of cries
something to live for, the smell of dying
sea life almost loving.
Nothing that lives wild
asks for mercy, the silent fish,
the sacrifice of birds dying.
You'd never stop seeing

through that water. Consider the branches
and limbs around your face, the obscuring
moon, how you fight each loss.
You'd clear yourself
here, limited to the flat
open white, egret and pelican
taking their innocent food. Nothing's permanent
but this, the unbroken
cartilage of fish reappearing.

Consider your inadequate spine,
its frail anger, the empty arch
of your foot seeking strength. The skin,
a delicate memory whose recital of cold
you never forget. Think how you've been changed,
debts your body can't overcome, the humor
of your devotion. Here, the ocean owns itself,
wild geese mate for life. And you, trying
to make yourself necessary,
while around you the birds
answer their true and final lives.

Cleopatra Mathis

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trouble is that the Republicans, like conservatives generally, are responsible and play with Marquis of Queensberry rules. . . ."

Nixon respects people who are cold, hard, conniving, interested only in number one. Much as he despaired of J. Edgar Hoover's lack of loyalty to him, he also admired it. "He was sensibly reluctant to go out on a limb for anyone, lest he find himself suddenly alone." The advice Nixon remembers as the smartest was the most selfish. When Haldeman suggested that, as a last act before leaving office, Nixon pardon all the Watergate crooks, Haldeman added a cute kicker—amnesty for Vietnam draft dodgers to "deflect criticism of the Watergate pardons"—that Nixon praises. Of course, he says, "I did not give him an answer," for that would have meant going out on that foolish, lonely limb. Nixon also recalls fondly the advice he got from his son-in-law, David Eisenhower, "You don't owe the party a damn thing. That was the way Granddad felt, and so should you. Do what you think is best for yourself, and what you think is best for the country." In that order.

There is another side to Nixon—not soft or compassionate but mushy. When he loses, he prefers to indulge in the rawest kind of revenge. (Remember in *Six Crises* he tells about how he kicked a South American demonstrator on the shins "and it made my day"? Well, he recounts the same confrontation in *RN*, but this time omits the shin kicking.) But when he's powerless to get revenge, he insists on a pat on the head and a good dose of sycophancy. After he had decided to resign, Nixon got into a long emotional bull session with Kissinger—this was the session that ended with Nixon and Kissinger kneeling on the floor together, praying, after several snorts of brandy. Kissinger hugged him and consoled him and, Nixon writes with satisfaction, "at one point . . . blurted out, 'If they harass you after you leave office, I am going to resign as Secretary of State, and I am going to tell the world why!' " And then the world will be sorry it hurt little Dickie. (The hugging part, by the way, is told in Woodward and Bernstein's *Final Days*. Nixon leaves it out, but does admit the praying and the rest.) Nixon tells us that he is assured by Ron Ziegler—that fine gentleman who never dissembled—"You've had a great Presidency, sir." And Carl Albert assured him, "I hope you know, Mr. President, that I have nothing to do with this whole resignation business." But it was "Jim Eastland . . . who seemed really to share my pain. . . . In his face was a look of understanding that spoke more than volumes of words." What a marvelous gang of thuggees, commiserating at the pyre of America's greatest political poltroon.

And yet, despicable as Nixon may be, he had more character than Congress. He may seem something of a poseur, a scrawny-chested bantam crowing from the safety of the San Clemente barnyard, when he says, "I did not care what else people thought as long as they did not think that I had quit just because things were tough." Of course he quit because things were tough. That was the only reason he quit. Nevertheless, he can justifiably claim to be a scrapper, and there is reason to suppose that, with just a little luck at the Supreme Court, he would have stayed and fought it out to the bitter end.

Not until the Supreme Court ruled unanimously that he must turn over the subpoenaed tapes did Nixon admit defeat. The unanimity was what did it. "We had counted on some air in the Court's ruling," he writes, "at least some provision for exempting national security materials. We had counted on at least one dissent." What did he mean? Nixon does not say, but in his book Haldeman explains: "Nixon called me . . . to say, 'Regarding the Court, if they leave any "air" we can handle it.' This is a simple sentence with enormous implications. What Nixon was threatening was potentially one of the greatest constitutional crises of this century. By 'air,' he meant anything other than a unanimous decision would not be obeyed. If the U.S. Supreme Court had handed down a majority decision, Nixon would have defied the Court and refused its order to turn over the tapes. When the Court . . . ruled 8-0 against Nixon, it unknowingly averted what might have been a supremely critical confrontation between the Executive and Judiciary powers."

If the most Right of the right wing on the Court had voted with him, he could have claimed that the other Justices were simply part of the liberal plot. As J. Anthony Lukas points out in *Nightmare*, still the best wrap-up of Watergate, "He constantly reminded his assistants that they were not fighting primarily a legal battle, not even a narrowly political battle. 'What we're fighting,' he said, 'is a public-relations battle.' " He said essentially the same thing in his interviews with David Frost. He does not say that in *RN*.

He does not say most things in *RN*. Its gaps and air bubbles are the only things that make this book really interesting. For example, Nixon thought there was something mighty queer about Johnson's 1968 bombing halt. He believed that his predecessor had manipulated the war in an attempt to help Hubert Humphrey's chances. Nixon wanted to leak the Pentagon documents that would prove this, but he couldn't find them at the Pentagon and learned that they were over at the Brookings Institution. Aha! "Ellsberg was not our only worry. From the first there had been rumors and reports of a conspiracy. The earliest report, later discounted, centered on a friend of Ellsberg, a former Defense Department employee who was then a Fellow at the Brookings Institution. . . . I saw absolutely no reason for that report to be at Brookings, and I said I wanted it back right now—even if it meant having to get it surreptitiously."

Nixon's angry demand that it be got at any cost was what prompted, by some accounts, Chuck Colson to propose that Brookings be firebombed and that FBI agents disguised as firemen sneak in under the smoke and get the documents back. Nixon doesn't mention that little ploy. Neither does he identify the Brookings official with the documents except as "a friend of Ellsberg" and "a former Defense Department employee." Everyone knows he was talking about Leslie Gelb; several important Watergate books have mentioned this episode and named Gelb. Why is Nixon so coy?

Apparently because he has a compulsion to keep nameless and faceless as much of the hostile world as he possibly can. Why else does he call Hoover's friend "Ellsberg's father-in-law" and not identify him as Louis Marx, the toy manufacturer? Nixon not only suspected Leslie Gelb as part of the "Ellsberg network"; he also suspected Morton H. Halperin and Paul Warnke and he wanted his spies to implicate them. Their names appear nowhere in this book. Nor do the names of Bob Woodward, Carl Bernstein, Seymour Hersh, or Neil Sheehan—reporters whose shaping of Nixon's career, one might suppose, would have come to his attention and been deemed worthy of mention in anything remotely pretending to be memoirs.

If his enemies are tucked away in unmarked files, his allies fare little better. One would never guess from reading this book that, as William Safire tells it in *Before the Fall*, "With de Gaulle and Adenauer gone, the Shah [of Iran] was about the President's favorite statesman in the world." Nixon devotes five lines of *RN* to the Shah—

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and these are in reference to having met him in 1953. It is the vaguest sort of reference, and fails to mention that Nixon was visiting Iran immediately after a CIA-directed coup had overthrown Mossadegh and placed the Shah back on the throne in order to save Iranian oil for the international companies. The word oil is never used, and yet surely Nixon was in Iran for no other purpose than to help extend the cartel to Iran—which occurred in 1953, with the assistance of Eisenhower's Justice Department, as Sen. Frank Church's Subcommittee on Multinational Corporations documented in 1974.

So far as *RN* is concerned, Pahlevi might have died in 1953. You would never learn of Nixon's (and Kissinger's) early 1972 meeting with the Shah at which they promised he could make unlimited purchases of U.S. arms. The Senate Foreign Relations Committee also later found out that Nixon had promised the Shah an increased oil market in the United States (*The Power Peddlers*; Russell Warren Howe and Sarah Hays Trott). And what was Nixon to get in return?

Jack Anderson says that "a former Justice Department official who has traveled extensively in Iran, reported to the Senate Watergate Committee that the Shah had delivered huge sums" to Nixon during the 1972 campaign. The committee didn't look into this charge, but Anderson did, and he got Swiss banking officials to admit the Shah had transferred money to banks in Mexico, where, you will recall, a great wad of money was laundered for Nixon's 1972 campaign. Anderson points out that CIA Director Richard Helms (later appointed Nixon's Ambassador to Iran) ordered the FBI to quit investigating fund-laundering in Mexico. You will get no whiff of this—no recognition of the charges, so of course no denial—in *RN*.

But when it comes to information vacuums, none sucks air like the one Nixon constructs in his discussion of the Supreme Court. "I consider my four appointments to the Supreme Court to have been among the most . . . far-reaching actions of my presidency," he writes, and no one can deny it. So we might expect a sensible appraisal from Nixon of the men he got on the Court, the ones he tried to get on, and of his judicial philosophy. Ha! Nixon says he picked Warren Burger to be Chief Justice primarily because he had been "impressed" by something Burger had said in a 1967 issue of *U.S. News & World Report*. He picked William Rehnquist because, well, because—as a matter of fact he can't think up much to say except that one of Rehnquist's "most attractive attributes was his age: he was only forty-seven and could probably serve on the Court for twenty-five years." Apparently Nixon saw Rehnquist as one of those gestures—like giving his V sign to anti-war crowds—that would give a whole generation of liberals something to curse about.

Let me remind you of a White House tape conversation of July 24, 1971:

> "*President*: . . . You remember the meeting we had when I told that group of clowns we had around there. Renchburg and that group. What's his name?"
> "*Ehrlichman*: Renchquist [*sic*]."
> "*President*: Yeah, Rehnquist."

At that time, "Renchburg" was a nonentity assistant Attorney General. Three months later Nixon would name him to the Court as "one of the finest legal minds in this whole country today."

But surely Nixon must have used these memoirs to make, at last, a solid case for having nominated Clement Haynsworth and Harrold Carswell to the Court. If that's what you expect, you will be sorely disappointed, unless you think that pointing out that Haynsworth "came from a distinguished legal family" is socko stuff. As for Carswell, Nixon says, "Looking back I have no quarrel with some of those Senators who voted against Carswell because of their belief that he lacked the superior intellectual and judicial qualities to be a Supreme Court Justice." Remember, Nixon threw a white-faced fit when the Senate turned Carswell down. Jeb Stuart Magruder, in *An American Life*, says this rejection ranked as a White House crisis equal to the Cambodian invasion. Is it because the Judge was subsequently arrested on a morals charge? If not that, what is his reason? Shaping the character of the Supreme Court was probably Nixon's most important impact on government, and yet in reading these trivial recollections one gets the impression that he chose his nominees as though they were names he picked from John Mitchell's collection of judicial bubble-gum cards.

As for Vice President Spiro Agnew's own brand of corruption, Nixon treats him as some amiable but clumsy artist in the master's atelier, who, because he keeps turning over the paint pots, must finally be discharged—with regrets. "A tragedy for the nation," he says. Nixon makes it clear that he never did really understand, or want to understand, what Agnew had done.

Vagueness everywhere. Nixon writes, "Al Haig told me that the Senate Watergate Committee had a pretty devastating report on Humphrey and also one on Mills," but he says nothing of what was in the reports. He does not tell us anything about the period when he and Haldeman and Ehrlichman were toying with the idea of making John Mitchell the sacrificial wolf. He says nothing of his offer of hush money to Haldeman and Ehrlichman. He boasts, "From the very beginning I had decided that my administration would be the best chronicled in history," which is why he put in the tape machines. But he does not explain why, if history was his bag, he waited two years to install his own tapes—after having Johnson's equipment yanked out in 1969.

Details, names, texture—they are all missing. One almost longs for the smash-and-grab tone of the tape transcriptions: "I don't give a shit what happens, I want you all to stonewall it, let them plead the Fifth Amendment, cover-up or anything else, if it'll save it—save the plan" (*Nightmare*). Or, "We have no discipline in this bureaucracy. We never fire anybody. We never reprimand anybody. We never demote anybody. We always promote the sons-of-bitches that kick us in the ass. . . . We are going to quit being a bunch of goddamn soft-headed managers. . . . When a bureaucrat deliberately thumbs his nose, we're going to get him. . . . When they don't produce in this administration, somebody's ass is kicked out. . . . Now, goddammit, those are the bad guys—the guys down in the woodwork" (*Nightmare*). Whatever else they may be, these outbursts are sounds of a real person. There is no voice of that sort in *RN*.

PRESBYOPIA

The eye
defects first—
or is it the world
which takes the first step
backwards?
No matter.
Those blurred numerals
on the page
are tracks
to be followed
the rest of the way
alone.

Linda Pastan

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Which brings us to the best reason for not buying books by crooks: most of our current batch of crooks simply can't write anything worth reading. They all had to hire somebody to show them how to put sentences and paragraphs and chapters and finally something resembling books together: Jeb Magruder hired Patrick Anderson; John Dean hired Taylor Branch; H.R. Haldeman hired Joseph DiMona; Nixon put this book together with a veritable committee, all of whom are named in the preface but none of whom (it's typical of the gracious Nixon) is given much direct credit. The internal proof of the manner of *RN*'s creation is unmistakable. Despite the pervading septic-tank odor that tells us the master was present and watching and fiddling with it all the while, *RN* is clearly the bruised product of many hands. Too many hands. Reportedly, the manuscript was three times as long as the published text. It was pawed and fondled and picked to death. The result is that we can repeat in final judgment what John Kennedy said of Nixon after his mid-passage defeat in 1960: "He went out the way he came in—no class." □

An Idealist, But No Ideologue

THE EARLY FIDEL: Roots of Castro's Communism. *By Lionel Martin. Lyle Stuart. 272 pp. $8.95.*

A.J. LANGGUTH

Lionel Martin, the correspondent in Havana for *The Washington Post*, has set out to answer a question that for years I considered worth resolving: at what age did Fidel Castro become a Communist?

I had assumed that the outcome would affect many a reputation, not only that of the late Herbert Matthews of *The New York Times*. Howard Hunt had claimed that he and his CIA colleagues in Latin America knew as early as 1956 that Castro was a Communist. Hugh Thomas, in his massive examination of Castro's revolution, believed that two and three years later the rebel of the Sierra Maestra was still groping toward a coherent philosophy.

After spending three hours with Castro in 1959, a mere four months after his triumphant entry into Havana, Richard Nixon reported that Cuba's new leader was either naive about communism or "under Communist discipline." Castro himself was no definitive authority; his various accounts of his political development have been contradictory, almost playful.

The truth about his early commitment began to look like a way of settling scores: if Castro was a reformer pushed into the Communist camp by a shortsighted U.S. policy, then the suspicions of Eisenhower, Nixon, J. Edgar Hoover and the rest had brought on the very enmity they feared, and for eighteen years we had paid for their premature anti-Castroism. If, however, Castro was a trickster who claimed to be a democrat while secretly committed to being Russia's bellicose Caribbean ally, then no amount of forbearance from Washington could have averted the hostility to come.

Martin makes a persuasive case that Castro was introduced to Marxism during his university days and that, with no recruiting from Cuba's Communist Party, he became a Marxist. Yet, paradoxically, by the end of his book, Martin's very diligence in answering the riddle impresses me with how unimportant it has become.

Better to remember that from the time Fidel Castro entered the University of Havana in 1945, he demonstrated a consistent political character: idealistic, magnetic, utterly fearless. Many North Americans first became aware of Castro when his men lined up corrupt and brutal military and police officers for execution, others when *Life* magazine treated dismissively his visit to the United Nations. For them, Martin's book could be a valuable corrective, a reminder that from his early 20s Castro had been risking his life to combat the injustices of Cuban society. His final flight to the hills to lead a revolution came only after he had repeatedly tried through the existing political apparatus to improve the life of Cuba's peasants.

During those thirteen years when he was threatened, arrested, jailed and exiled, Castro's speeches never failed to invoke "the people." They had become his cause, his justification; even in moments of defeat he seems never to have doubted that he spoke for them with their consent.

One can readily grant Martin's thesis that Castro read Marx and Lenin while still in college. It wouldn't have been much of an education if he had not. After that, Castro went on steering his own course but he welcomed members of the Communist Party into his movement. He did not advertise their presence.

Those were the postwar years of Stalin, the Dulles brothers and the cold war, and Castro apparently acknowledged the effectiveness of the prevailing anti-Communist propaganda, much of it broadcast from the United States. During that era, many Cubans distrusted communism and, visiting Cuba ten years later, Jose Yglesias asked mill hands why they had gone on supporting Castro's revolution even as its aims had become increasingly socialistic. An old man replied that he had other, stronger fears: "The fear that my son would be assaulted and killed by those Rural Guards of Batista, that my daughter would be found attractive by one of them." And that his son would grow up without an education or a job, that his daughter would become a whore.

Yglesias asked what Castro's success had meant in the lives of those children. "Both are now in a university," the old man said. "Only a rich man could have given them the careers they will now have."

While the early Fidel never called directly for socialism, he often urged a return to the Cuban Constitution of 1940, a notably progressive document which authorized extensive land redistribution and other "socialist" ideas. After he came to power, Castro indicated that even the 1940 Constitution wouldn't have gone far enough, that had he achieved office through elections he would have pushed his revolution in the more radical ways that Salvador Allende either rejected or didn't live to employ in Chile. But before Castro could win an election, Fulgencio Batista staged his coup, and Castro was driven to launch his seven-year insurgency.

Martin's book makes it clear that Castro had soured on U.S. policy even before he spent those three hours with Richard Nixon. During his guerrilla war in the Sierra, fighter planes built in the United States attacked the home of Mario Sariol, a mountain villager who was aiding Castro's men. In the heat of the moment Castro wrote to Celia Sanchez, "I've sworn that the Americans are going to pay dearly for what they are doing."

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In the course of his argument, Martin scores several telling points off Hugh Thomas for underestimating the depth of the young Fidel's convictions. Yet it is in Thomas's book that I've found the most convincing description of Castro's thinking during the years before he assumed power. It came, in 1964, from Che Guevara:

> I knew he was not a Communist but I believe I knew also that he would become a Communist, just as I knew then that I was not a Communist, but I also knew that I would become one within a short time and that the development of the Revolution would lead us all to Marxism-Leninism.

What was the early Fidel? An idealist—to a degree that more comfortable men call fanaticism. But no ideologue. Che Guevara went to Bolivia to fight for Marxism; Castro stayed behind to work out the best political accommodation for his countrymen. A patriot—determined that the United States sugar interests should no longer dominate his nation but settling instead for dependence on the Soviet Union.

A Socialist or a Marxist or a Communist—unwilling, whatever the label, to see the old order survive. And, finally, what difference the label? I wouldn't want, even today, to characterize in one word the political theory of Franklin Roosevelt. Whatever the label, we are going to have to understand, even appreciate, men all over the world who are like the early Fidel. Despite the momentary agitation over Africa, we would do well to begin, belatedly, with the middle-aged Castro. □

Profane Illuminations

REFLECTIONS: Essays, Aphorisms, Autobiographical Writings. *By Walter Benjamin. Translated by Edmund Jephcott. Edited and with an Introduction by Peter Demetz. Harcourt Brace Jovanovich. A Helen and Kurt Wolff Book. 384 pp. $12.95.*

TODD GITLIN

There are writers whose words, once summarized, actually gain in the shrinkage; their words were only derivations of ideas, and the critic's summary has the virtue of eliminating the intermediaries. And then there are writers whose words are the ideas themselves; in such cases, summary must take care not to impoverish a language that is intrinsic to the writer's search for truth.

In any era the second category of writers includes only a few who last for us as critics. Walter Benjamin was one of these, a German Jew, born in 1892, raised in the overupholstered world of the Berlin bourgeoisie, a semi-reconstructed metaphysician who befriended Bertolt Brecht and called himself a revolutionary Marxist, a critic's critic who acclaimed the production of leaflets. Benjamin wrote a treatise on the origins of German tragedy, and later a dazzling monograph on Charles Baudelaire, "a lyric poet in the era of high capitalism"; he planned a vast, uncompleted study, "Paris, Capital of the Nineteenth Century," which even as an array of historical, technological, philosophical and exegetical ruins (or, Benjamin would have said, *especially* as an array of ruins) is one of the monuments of modernistic criticism. His 1936 essay, "The Work of Art in the Age of Mechanical Production," and his cultural archaeology of 19th-century Paris anticipate and inspire the richest cultural criticism of recent years: Roland Barthes's *Mythologies*, John Berger's *Ways of Seeing*, Susan Sontag's *On Photography*.

He associated with the neo-Marxist Frankfurt Institute and at the same time stayed in touch with his friend Gershom Scholem, the Judaic scholar, who failed to convince him to move to Palestine; Benjamin preferred to think of himself as the leading German literary critic of the 20th century, and ended up committing suicide in 1940 when, en route to the United States, he was blocked at the Spanish-French border.

Consistent with his ambition to speak *in* rather than merely *through* language, Benjamin was no systematic theoretician. He wrote sentences more than arguments; he was a peripatetic philosopher of a pre-Socratic sort, an aphorist, a connoisseur of discontinuities. Thus we can best talk about his work if we see it precisely as sentences, sentences like these which I have taken from *Reflections*:

> In the convulsions of the commodity economy we begin to recognize the monuments of the bourgeoisie as ruins even before they have crumbled.
>
> [In 1867] Offenbach sets the rhythm of Parisian life. The operetta is the *ironic utopia of capital's lasting rule.*
>
> The collector is a true inmate of the interior [household]. He makes the transfiguration of things his business. To him falls the Sisyphean task of obliterating the commoditylike character of things through his ownership of them. But he merely confers connoisseur value on them, instead of intrinsic value. The collector dreams that he is not only in a distant or past world but also, at the same time, in a better one, in which, although men are as unprovided with what they need as in the everyday world, things are free of the drudgery of being useful.
>
> Opinions are to the vast apparatus of social existence what oil is to machines: one does not go up to a turbine and pour machine oil over it; one applies a little to hidden spindles and joints that one has to know.

Even when such lines appear cumbersome (and Edmund Jephcott's translation is about as straightforward and clear as the originals call for) they still can astonish. One often has the feeling, reading Benjamin, that he is carving his presence in the world and reviving the original, graphic meaning of "epigram." His aphorisms are not "opinions" but whispered intimations of ways of being, just as in his early writings language is always itself a form of existence rather than a mere token of meaning. Benjamin is adept at "reading" the ponderous and mysterious book of the world, like the Talmudic rabbis, and in the process leaving commentaries on it, commentaries necessarily just as convoluted as the book itself.

Reflections is a gathering of some of Benjamin's incidental and fragmentary writings, complementing *Illuminations*, the collection edited by Hannah Arendt in 1968. Arendt selected and arranged the pieces for *Reflections* as well, but died before completing the task; Peter Demetz completed it and contributed a lucid introduction: *unusually* lucid. For Benjamin's allusive prose is also brilliantly elusive; it shines, tantalizes, and doubles back on itself. Demetz argues against any partial appropriation of Benjamin's writing, "Only if we are willing to accept the entire Benjamin, and not just an essay here or a tag there quoted in support of somebody's narrow dogma, are we really qualified, at least in a preliminary way, to deal with those of his puzzling texts in which whole syndromes of divergent ideas work with and against one another."

Reflections is a sourcebook and a

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salon for Benjamin's variety: there are early metaphysical essays, travel notes, reminiscences, aphorisms and political critiques. His gloomy, sometimes messianic early essays are the most murky and abstract, working in a gnostic version of German Idealism. If his later Marxism did not in the end succeed in lifting him past the static tendency in his thinking—at times his Marxism simply transposed this longing for rest into a new key—at least it kept him down to earth, on the streets, in fact, where his marvelous observing eye could make "material reality" dance with revelation.

Benjamin's travel notes (Moscow, Marseilles, Naples) "decode" cities; one turns a corner and suddenly there is something amazing. Here Benjamin bodies forth his claim that the world can be "read" as a book of "profane illuminations." Streets attract him especially, for streets are places of transit; in streets, Benjamin resists the inner tendency of his thought toward the stillness of "essence," toward theology. "It was always the question of essence that finally interested me"—this is Benjamin's transcription of something Brecht said to him, and it holds good. Benjamin searches for points of rest just as he senses that the world is in alarming motion: the interference pattern generated by these two approaches is what makes his thinking puzzling, dazzling, original, and at times vertiginous. In his exposition of "Paris, Capital of the Nineteenth Century," filled out in his book on Baudelaire, the revealing locales are the shopping arcades: as the arcades marked the arrival of a society devoted to the display and exchange of commodities, so, as containers of the onrushing commotion of capitalist life, they suggested Benjamin's own longing for an end to history. His "proletariat" is in the end an abstract construction, the saving, potentially messianic counterpart of what he called "the impoverished, reduced human being of our days, the contemporary." His utopian projects usually go flat and abstract—what a contrast to the teeming streets he strolled alongside the spirit of Baudelaire!

Benjamin's political essays are astute too, difficult to follow as back streets, and deeply subversive of both literary and conventional political points of view. In "Surrealism: The Last Snapshot of the European Intelligentsia" (1929), Benjamin first strays toward "revolutionary nihilism," then criticizes the early surrealist cult of the "uncomprehended miracle of machines"; he congratulates the surrealists for their "radical concept of freedom" only, in the next paragraph, to chastize them for "an inadequate, undialectical conception of the nature of intoxication": The most passionate investigation of telepathic phenomena, for example, will not teach us half as much about reading (which is an eminently telepathic process) as the profane reading about telepathic phenomena. "The Author as Producer" (1934) is the most reductionist of Benjamin's political essays—"the revolutionary struggle is not between capitalism and spirit but between capitalism and the proletariat"—yet even here one finds stunning insights, beyond political theology, into the ideological power of marketable photography:

> It goes without saying that photography is unable to say anything about a power station or a cable factory other than this: what a beautiful world! . . . For it has succeeded in transforming even abject poverty, by recording it in a fashionably perfected manner, into an object of enjoyment. For if it is an economic function of photography to restore to mass consumption, by fashionable adaptation, subjects that had earlier withdrawn themselves from it—springtime, famous people, foreign countries—it is one of its political functions to renew from within—that is, fashionably—the world as it is.

Benjamin was a student of the unrealizable and a prophet of the past, a traveler who faced backward. Once we become accustomed to shifting directions with him, he helps us understand a world in which value is constantly disappearing just the moment after it materializes, a world whose feeling of substance depends on its routine dissolution of meaning, in which discontinuity is the most reliable fact. □

ART

LAWRENCE ALLOWAY

Philip Pearlstein in a recent issue of *Art Journal* took a severe view of the practice of art criticism in this country. He attributes a good deal of importance to art critics. "In the case of an artist at the beginning of his or her career, the printed words of the writer will often be the only record of an exhibition." And Pearlstein calls it a fact of life "that an artist becomes significant when his work is discussed in print." His point is that writers are not taking their responsibilities seriously. Critics are subjective, fashionable, restrictive. Thus artists provide "raw material for the whole profession of art writers" only to see both their personal projects and career prospects kicked around or ignored.

Pearlstein is right when he says that art critics regard their writings "as creations in the same sense that artists regard their work as creations." The service function of criticism is frequently concealed by poetic ornament or philosophical targets. Criticism is commentary, not prime text. One more quotation from Pearlstein: the critic "assumes that the artist does not really know what he is doing and that it is the function of the writer not only to explicate the artist's activity but also to weed out the good from the bad." In a period of educated and articulate artists this is especially hard to do and it cannot be said that American art since World War II has a criticism to match its objects.

Pearlstein's solution is to recommend more art history methodology, but this is like recommending the IRS as a career to someone who wants to make a million. The artist's intentions and motives, which Pearlstein says are the critics' proper subjects, are not necessarily best approached via the routines of graduate education. In terms of education, for instance, requiring some studio classes of art history majors might be a sensitizing step. Or the practice of art criticism might be internally improved

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by the writers themselves, though spontaneous self-reform is not a likely course of action. However, there is an international association of art critics and the question comes up: could it address any of Pearlstein's complaints?

Readers are forgiven if they do not know that such a group exists, both because of the poor level of art criticism and because the American section has kept the lowest of profiles. The full name of the parent body is the Association Internationale des Critiques d'Art (known as AICA) and its headquarters are in Paris with a link to UNESCO. Under three presidents, Robert Goldwater, Irving Sandler and Rosalind Krauss, the American section withered away. However it exists and is in revival. The activist impulse which has taken various forms in the art world of the 1970s has animated this sluggish circle. At a recent meeting a small group of critics voted into office a new president, John Perreault, and two vice presidents, Margit Rowell and Krauss, who resigned as president so the reorganization could begin.

What can be expected of the American section of AICA? Will it be aimed at the regularization of writer/editor relationships or can it direct itself to the problems stated by Pearlstein? At present, reviewers, by whom one understands in this context the youngest or at any rate the newest art critics, are often edited drastically without consultation. *Arts Magazine*, for instance, habitually deletes negative comments by its reviewers, who are thus made to sound like sunny idiots. The writers are looking at the art works but the magazine is thinking of the good will of the galleries. There is an ethical problem here about which an organization with a professional membership might be able to do something.

Other matters are more complex. Back in the 1960s a young critic, G.R. Swenson, wanted to form an art critics' union with, as a central plank, the abolition of differential pay rates. Young critics should be paid as much as old critics. I remember the occasion fondly as one of the few times that Barbara Rose and I agreed openly: we were both against premature leveling. The problem of variable pay will not be settled quickly, but there is a great deal to do. Guidelines on unilateral editing and a procedure to cope with unreasonable delays in publication would be useful. A group can have an expertise and weight beyond that of individual art critics, often nervous about the loss of what outlets he or she has. An organization can complain impersonally.

At the housekeeping level, then, there are immediate tasks for an art critics' association, but what about the possibility of quality control? I take it that this is out of the question directly, for all the reasons that censorship is out of the question. On the other hand a functioning group of art critics might also improve content. Part of the trouble with art criticism stems from the fact that it is an amorphous field inhabited by poets and art historians, hacks and fanatics, with an undeclared diversity of purpose. The relationship of art criticism to commentary on the other arts and to journalism goes unexamined, though comparison should provide some needed perspectives. The mere solidification of art writers as a group could lead toward clarity and improved performance. Since AICA is an international group, it could reduce the provincialism of New York critics. It was our assumption of elite status that caused the inertia of the American section in the first place.

Postscript. I mentioned in *The Nation*, May 27, that the Clyfford Stills at Buffalo, N.Y. are not usually shown in depth, but all thirty-three paintings will be on view at the Albright-Knox Art Gallery until August 20. □

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DANCE / Nancy Goldner

There are as many skin colors as there are colors in the rainbow in the Ballet Nacional de Cuba. That is the most distinctive feature of the company and may well constitute one's most pleasurable memory of their New York debut at the Metropolitan Opera. The most vivid memory will be of the Wilis in *Giselle*, each moving in exact replication of the Wili beside her. The Cubans have extended the notion of esprit de corps beyond one's most ghoulish dreams. It's down to the metatarsals (with a strong dose of powder to bring the variations of skin color into line). This sisterhood of clones becomes the image of a utopian military parade. As a metaphor for the second act of *Giselle*, the image is not without justification. The Wili act *is* a ghoulish dream, in which men are drawn into circles of "pitiless waltzers," as the librettist Gautier described them, and danced to death. Hilarion begs them for mercy; he is snubbed by a wall of white tulle and index fingers, each beckoning at exactly the same height, and the line stretching to the shores of the lake where he must meet his doom. One believes in the efficiency of the Wilis in this and other male-female encounters, and one believes in the necessity of efficiency too. The concept of a mechanized spiritual world crumbles, however, when one considers that Wilis have a passion for dancing as well as for killing. To see them frolicking in the moonlight like so many majorettes puts a severe strain on our notion of what passion looks like, and ultimately on our notion of what dancers look like. As for what dancers looked like in the 1840s, when *Giselle* was made, the Cuban production has it all figured out. They were pigeon-breasted, bore invisible weights on their shoulders, and were careful not to break the egg shells littering the floor.

Re-creating styles of the past, be it Perrot or Petipa or Fokine, is one of the big problems of contemporary ballet life, but I had not expected the issue to be so central to the Cuban company or to be brought to such a crisis. Act II of *Giselle* is a lesson on how not to do it. It becomes a joke on *Coppélia*, in which Dr. Coppelius's workshop of dolls has been transported to Hell. The rendition of a *pas de quatre* that Perrot created in 1845 for the stars of the Romantic age is another lesson. Staged by Alicia Alonso, the "*Grand*"

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Pas de Quatre as she calls it (quotes added) is a parody on gentility and is as lifelike as the panda one is awarded at skee-ball hangouts. Fokine's *Les Sylphides* is another ballet often given the taxidermic treatment. But here, as surprising as the repertory's preoccupation with Romantic style was the freshness with which the company danced *Les Sylphides*. Tempo was shaken out of the dirgeful *Giselle*, and the droopy elbows and sagging necks one has come to associate with "official" Fokine were modulated into simple soft contours. Why the company should have studied the Perrot ballets and danced the Fokine is a puzzling inconsistency, but the spontaneous lyricism with which the dancers swept through Fokine's moonlit glen was as definitive a lesson in generosity as the *Giselle* was of priggishness. It was also a triumph of spirit over technique for, with the exception of Rosario Suárez's waltz solo, the variations paid little heed to the immaculate footwork and fluid *jetés* demanded by Fokine. The entire canon of technique falls under scrutiny in the Petipa-Alonso *Coppélia*, and here too the production proved that the right spirit can make amends for less than noble technique. This *Coppélia* follows the Alexandra Danilova principle as seen in the New York City Ballet version. The ballet is about soubrette energy, centering around the chattering, giggly manner in which the heroine walks. Maria Elena Llorente got the exaggeration and fun of it perfectly, and the ballet flew. The coyness that distorted the *Pas de Quatre* and stretched a little duet called *Dolls* beyond its scope was in *Coppélia* transformed into just the right vaudevillian spirit.

Looking beyond spirit, there is the business, perhaps impossible and perhaps unfair, of assessing a large and unfamiliar company's dance power. In 1971, when the Cubans were touring Canada, their interest in the niceties of technique was impressive, although their fulfillment of them was not always as impressive. Seven years later, the company seems thinner in talent and more ostentatious in manner. Although the general style is not Russian—it reminds me more of the Esperanto profile of the Ballets Russes as gleaned from photographs—the emphasis on the big, final pose is quite Bolshoi. If the enchainment ends up O.K., what came before it must also be O.K. The superficiality of this approach also applies to the ensemble. If they're all together—and are they ever, in everything, though not to the obnoxious degree of *Giselle*—they must be doing it right. When one penetrates the en masse effect, one sees stubby feet, stolid torsos and a heavy attack topped off very fortunately by articulate arms. Were it not for the sensitive *ports de bras*, the women would look like a row of Buster Brown haircuts. The men's showiness is subsumed in choreography designed to enhance the virility factor, which has gotten rather notorious play in the newspapers. One always goes to the ballet expecting men to move like men (and women like women); one does not wish to believe that the Cuban male dancer perceives himself as a moral code. In *Canto Vital* (need one say more?) and *Coppélia* the men's swagger was too good-natured and the exhibitionist nature of the choreography too innocently brazen to support the grim implications of the newspaper reports. Nevertheless, I was struck by a crudeness of approach similar to that of the women. Of the men, only Fernando Johnes in *Dolls* looked like a credible classical dancer. Lázaro Carreño might be, but his Franz in *Coppélia* was basically a display of (winning) showmanship. Jorge Esquivel might also be a good technician, but he was more prominent whooping it up in *Canto Vital* and acting as an extraordinarily self-effacing support to Alicia Alonso. The nobility and slightly ironic humility with which he protected this heap of a ballerina from her lapses in fortitude and balance was the most touching aspect of the season. The Alonso factor (age c. 58) was the most disturbing. If she were not behind the scenes there would be no Ballet Nacional de Cuba. On stage, in *Giselle* or in the Taglioni role in *Pas de Quatre*, or even in a physically strong performance of a duet from *Swan Lake*, she is in every way an anachronisim.

The repertory, of which I saw only about half, ran a wide gamut. The most substantial works were obviously the classics. Next came *Blood Wedding* by Antonio Gades, the formerly (as this season revealed, alas) magnificent flamenco dancer who spelled Alonso in a flamenco versus ballet number called *Ad Libitum*. In *Blood Wedding* Gades managed what I had thought to be impossible: to create a kinetically and theatrically effective style out of simulated flamenco steps. *Blood Wedding* is bold in its skeletal use of a technique and wise in its detailed visualization of milieu and character, but I think it's the contrast between the skeletal and the detailed that makes it so compelling. The dancers were stunning. But after *Blood Wedding* we take a sharp plunge. The program notes for Alonso's *Genesis* sound promisingly like the old Mel Brooks routine about the sperm who's working out in the gym in preparation for the big swim to the egg; he wants to get there first. No such luck with *Genesis*. It was born out of the international school of modern ballet and is indistinguishable from the repertory recently seen with the Dutch National Ballet. *Dolls*, by Alberto Méndez, has possibilities as a pastiche on the dolls-falling-in-love theme, but its archness cancels its intimations of poignancy. For a fully realized statement on such a theme, one must see Balanchine's *The Steadfast Tin Soldier*. *Paso a Tres*, a "mistake" dance, and *Canto Vital* and *Carmen* are as silly as *Giselle*'s military parade. Gades and Alonso comparing notes in *Ad Libitum* is silly too, and for me a kind of heartbreak. I remember Gades at the 1964 World's Fair as one of the most delicate, powerful and sexy dancers I have ever seen. In *Ad Libitum* we saw two shadows of their former selves, the man a mite skinny and the woman a mite fat, throwing crumbs at each other and walking off into the sunset without so much as a wink. □

FILMS

ROBERT HATCH

Peter Falk doesn't look much like Humphrey Bogart but, more important, he can sound very much like him (minus the lisp) and from that happy capability depends *The Cheap Detective*. Neil Simon has written this hyperactive, often funny spoof on the supposition that *Casablanca*, *The Maltese Falcon*, *The Big Sleep* and God knows what else in the Bogart canon were the interwoven plots of a single film—which perhaps is how we now remember them. This, you may suppose, produces a less than tidy narrative line, but then the originals were not always scrupulously clear and logical.

The laughs come from recollection in incongruity—the French outsinging the Germans (but in a San Francisco waterside bar), the glass exploding in Bogart's (Falk's) hand, the treasure hunters trembling in anticipation over the ragged package that contains their blasted dream, a piano player whose name is not Sam (Scatman Crothers) refusing to play that tune, the fat man (John Houseman as Sidney Greenstreet) with the lethal chuckle—all of these and more shifted from melodrama to farce. It is well done, with affection for that earlier generation of stars—Ingrid Bergman,

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Loren Bacall, Peter Lorre, Elisha Cook, Jr. et al.—and a similar feel for the way movies looked then.

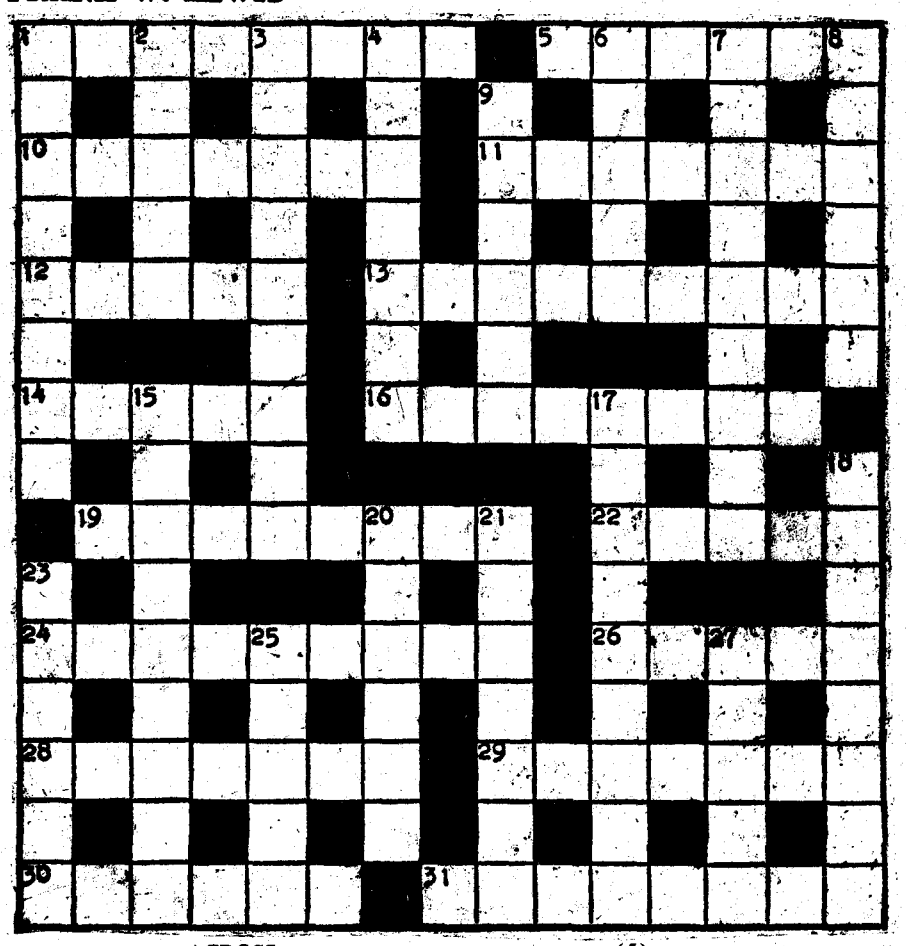
But brevity is the soul of wit, and *The Cheap Detective* is not brief. It is the fault of contemporary film economics—the day of the double feature is long past, and pictures must run ninety minutes to two hours, however much it may exhaust them. For an hour, maybe, I laughed happily; after that I began to check off the gags, and to notice that Simon was beginning to press his luck. Still, he has a marvelous ear for the tough sentimentality of that dialogue; close your eyes and you won't believe it's a forgery.

There's a rumor going around that Pierre Granier-Deferre's. *A Woman at Her Window* is an important picture, and this should be stopped for it will kill what is a very pleasant entertainment. The mistake occurs, perhaps, because the screenplay was written by Jorge Semprun, author of *La Guerre Est Fini, Z* and *State of Siege*, and because the story takes place in the political turbulence of the mid-1930s. But essentially this is a picture-postcard melodrama (Greece, particularly Delphi), based on the old titled lady-virile servant formula. The lady here (Romy Schneider) is the restless wife of Mussolini's ambassador to Athens (Umberto Orsini), who resembles Fred Astaire in a period of depression; the servant (Victor Lanoux) is a Communist organizer on the run from a parcel of Keystone sadists in black suits and broad-brimmed fedoras.

Also present is Philippe Noiret, who specializes in playing dull but passionate and well-heeled cuckolds; in this case he is a cuckold in name only, not being married, but the effect is much the same. He and Lanoux open the film by trading well-phrased aphorisms on the relevance of classic Greek architecture to the predicament of modern man. The film moves fast, the cars are splendid (Mlle. Schneider drives a Cord roadster, and I wonder what lucky property man stumbled on that treasure) and the diplomats and international businessmen live in houses and disport themselves at clubs of a luxury that never fails to give the taxpaying audience a vicarious sense of well-being. I liked it fine, but I won't pretend that the spectacle of all those charmingly ineffectual cosmopolitans being instructed as to their duties by a Communist agitator/cum chauffeur casts a reliable light on that decade of fatal impotence. It's better to settle for the notion that Lady Chatterley once spent a season in Athens. □

Crossword Puzzle No. 1734

FRANK W. LEWIS



ACROSS

1 Knocked off with niches? (8)
5 A possible midnight prowler gets to 1100, at making it. (6)
10 Things might be, as the evening wears down. (7)
11 Specifically state the noun certainly shows it. (7)
12 Essayist, rather than Autocrat, of the Breakfast Table? (5)
13 How an epee duelist might get stuck, even though in good health. (2,3,4)
14 You might find being in public a detail for a young soldier. (5)
16 Heavens above! Such things are there to make a commonplace girl behave almost a hundred! (8)
19 The boss is upset about the churchman, and somewhat beclouds the issue. (8)
22 What a fool to be associated with a tomb in MND! (5)
24 Frank is one who loses the debate! (9)
26 Counterfeit coins? Some people have a lot of respect for them. (5)
28 Not riot helmets—though perhaps associated with revolutionary types. (7)
29 Wagner's star was so sweet.(7)
30 See 23 down
31 Ten and ten is capable of making it, as you might be aware. (8)

DOWN

1 With spin on the ball, it might, as they were occasionally made to do with prices. (4,4)
2 One of the things we might study in high school? 104 plus 99 should be the answer. (5)
3 Is such behavior suggestive of organic disorder? (9)
4 Implying Edward passes on such things moving in certain circles. (7)
6 Is the first little weight in the air, perhaps? (5)
7 In this, one might be 13. (9)
8 Pulls and/or pinches. (6)
9 That's what some people get for letting things out. (6)
15 A girl who comes out with a piece of furniture? It's a moot point, this way.
17 One doesn't indulge so, in such a place as Asia. (9)
18 An agreeable word in 8—we should protect it. (8)
20 Is the stylish angle of the haymaker?
21 In all honesty, because concerned with the two put together. (7)
23 and 30 across Attic story? (4,2,3,3)
25 The player type doesn't necessarily demand a key performance. (5)
27 A kind of green circle descriptive of some broadcasts. (5)

SOLUTION TO PUZZLE NO. 1733

ACROSS: 1 Big shot; 9 Taint; 10 Endearing; 11 Eye-shadow; 12 Trevi; 13 Noonday; 15 Shelley; 17 and 5 across Take for granted; 19 Buttons; 21 Timer; 23 and 26 Behind the times; 25 Leafiness; 27 Designs; 28 Sadiron. DOWN: 1 and 22 Between meals; 2 Guide book; 3 Hitch; 4 Tuesday; 5 Godowns; 6 Apartment; 7 Thine; 8 Dignity; 14 Deferring; 16 Lion tamer; 17 Tattled; 18 Robbers; 19 Behests; 20 Stetson; 24 Noted.

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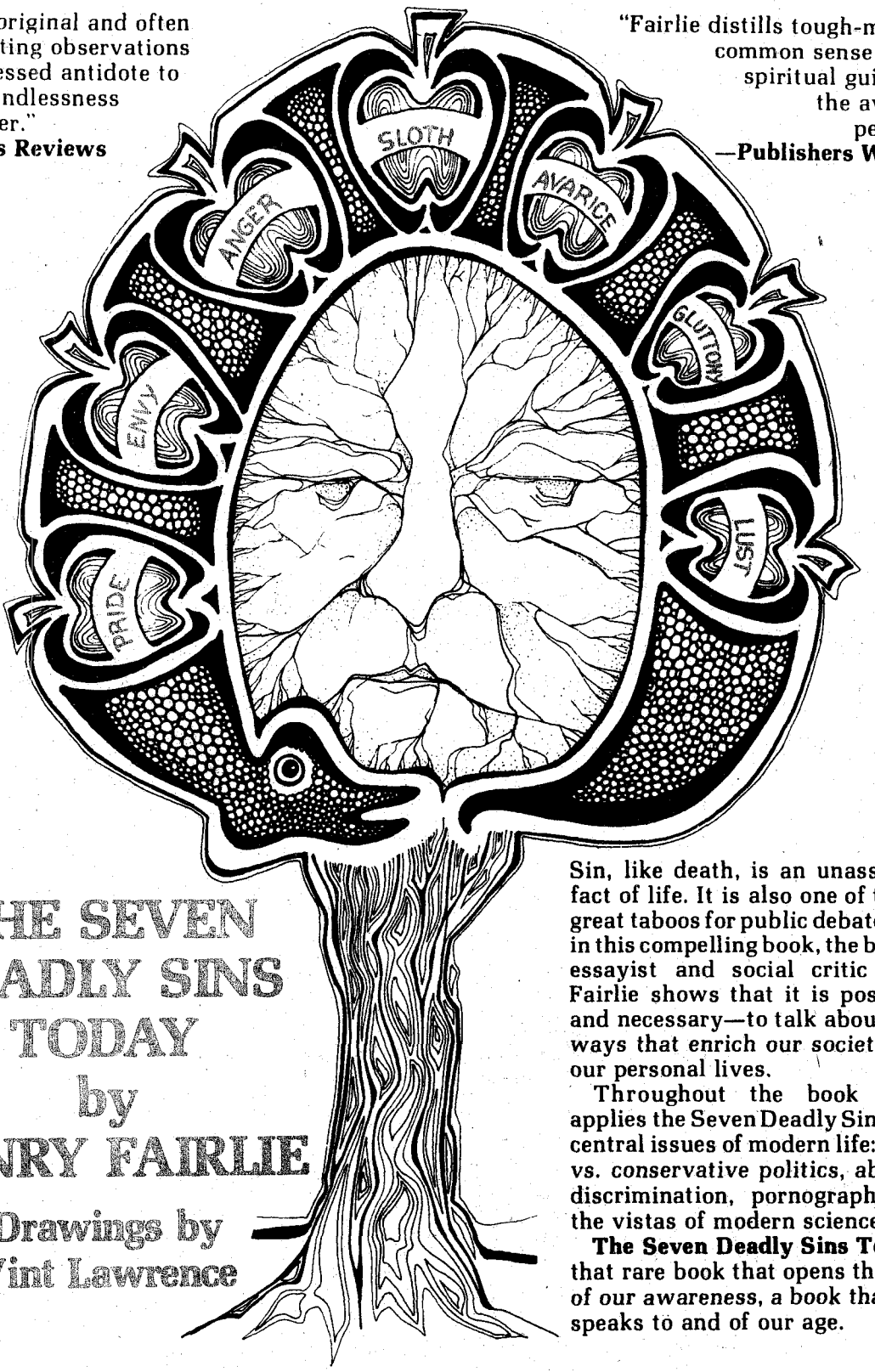

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by

HENRY FAIRLIE

Drawings by Vint Lawrence

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